

SUMMARY OF MAJOR LEGISLATION

2013 REGULAR SESSION

2013 FIRST EXTRAORDINARY SESSION

Prepared by

Senate Legislative Services Office

April 30, 2013

STATISTICS OF THE 2013 REGULAR SESSION
(As of 4/30/13)

	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
Bills Passed Both Houses	459	472	459	442
Bills That Became Law	416	440	417	414
Senate Bills Introduced	933	1035	1133	1214
S.B. Passed by Senate	286	298	325	331
S.B. Passed by House	210	218	205	194
S.B. Died in Conference	15	7	5	7
S.B. Vetoed	3	2	2	1
S.B. Partially Vetoed	0	0	0	1
S.B. Vetoes Overridden	0	0	0	0
S.B. Approved by Governor	186	204	187	180
S.C.R. Introduced	130	187	192	213
S.C.R. Adopted by Senate	109	165	171	173
S.C.R. Adopted by House	107	165	166	169
S.R. Introduced	7	8	30	16
S.R. Adopted	7	8	22	12
House Bills Introduced	1725	1700	1588	1760
H.B. Passed by House	398	411	379	403
H.B. Passed by Senate	249	254	254	248
H.B. Died in Conference	13	15	13	5
H.B. Approved by Governor	230	236	230	234
H.B. Vetoed	2	1	6	3
H.B. Partially Vetoed	0	0	1	1
H.B. Vetoes Overridden	0	0	0	0
H.C.R. Introduced	126	120	147	148
H.C.R. Adopted by House	84	72	103	99
H.C.R. Adopted by Senate	66	67	92	89
Nominations Received	94	109	197	81
Nominations Approved	86	107	188	65

VETOED BILLS

The following general bills from the 2013 Regular Session have been vetoed by Governor Bryant as of April 30, 2013:

HB 333. Vetoed 3/20/13. Allow Governor's Veto to Stand on 3/26/13.

AN ACT TO AMEND SECTION 11-1-63, MISSISSIPPI CODE OF 1972, TO INCLUDE DESIGNERS IN THE PROVISIONS REGARDING CONDITIONS FOR LIABILITY FOR PRODUCTS LIABILITY; AND FOR RELATED PURPOSES.

HB 1584. Vetoed 3/27/13. Referred to Ways and Means on 3/28/13.

AN ACT TO AMEND SECTION 51-9-121, MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE BOARD OF DIRECTORS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT TO FIX AND COLLECT CHARGES AND ASSESSMENTS FOR ANY SERVICES FURNISHED TO RESIDENTS ON ANY PROPERTY WITHIN THE PROJECT AREA; TO SPECIFICALLY AUTHORIZE THE BOARD OF DIRECTORS OF THE DISTRICT TO PROVIDE, FOR THE RESIDENTS ON ANY PROPERTY WITHIN THE PROJECT AREA, ANY OF THE SERVICES THAT ARE GENERALLY PROVIDED BY A MUNICIPALITY; TO PROVIDE THAT TO FUND THOSE SERVICES, THE DISTRICT IS AUTHORIZED TO USE THE REVENUES GENERATED FROM LEASE RENTAL PAYMENTS, THE REVENUES GENERATED FROM CHARGES OR ASSESSMENTS ON THE RECIPIENTS OF THE SERVICES, THE REVENUES FROM CONTRIBUTIONS BY THE COUNTIES THAT ARE MEMBERS OF THE DISTRICT, OR ANY COMBINATION OF THOSE REVENUES; TO AMEND SECTION 51-9-175, MISSISSIPPI CODE OF 1972, TO AUTHORIZE RESERVOIR POLICE OFFICERS TO EXERCISE ANY OF THE POWERS THAT MAY BE EXERCISED BY ANY STATE, MUNICIPAL OR OTHER POLICE OFFICERS IN THIS STATE WITH RESPECT TO VIOLATIONS OF STATE LAW OR VIOLATIONS OF DISTRICT REGULATIONS THAT ARE COMMITTED ON THE PROPERTY OWNED BY THE DISTRICT AND ON PROPERTY OWNED BY THE DISTRICT THAT HAS BEEN LEASED OR RENTED TO OTHER PARTIES; TO AUTHORIZE RESERVOIR POLICE OFFICERS TO PATROL THE PUBLIC ROADS AND STREETS LOCATED ON THE PROPERTY OWNED BY THE DISTRICT AND ON PROPERTY OWNED BY THE DISTRICT THAT HAS BEEN LEASED OR RENTED TO OTHER PARTIES; TO PROVIDE THAT THE FUNDS GENERATED FROM FINES PAID FOR TRAFFIC TICKETS, CITATIONS OR AFFIDAVITS ISSUED BY RESERVOIR POLICE OFFICERS SHALL BE REMITTED TO THE DISTRICT BY THE COUNTY THAT COLLECTS THE FINES; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 51-9-121.1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF DIRECTORS OF THE DISTRICT TO CLEAN ANY LEASED PROPERTY OR PARCEL OF LAND UNDER THE JURISDICTION AND CONTROL OF THE DISTRICT, BY THE USE OF DISTRICT EMPLOYEES OR BY CONTRACT, IF THE BOARD OF DIRECTORS AFTER A HEARING ADJUDICATES THE PROPERTY OR PARCEL OF LAND TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY; TO PROVIDE THAT THE BOARD OF DIRECTORS MAY ADJUDICATE THE ACTUAL COST OF CLEANING THE PROPERTY OR PARCEL OF LAND AND ALSO MAY IMPOSE A PENALTY, BOTH OF WHICH WILL BECOME A CIVIL DEBT AGAINST THE LESSEE OF THE PROPERTY OR PARCEL OF LAND; AND FOR RELATED PURPOSES.

VETOED BILLS
Continued

SB 2141. Vetoed 3/18/13. Referred to Education on 3/20/13.

AN ACT TO CREATE A TASK FORCE TO CONDUCT A STUDY OF THE SELECTION AND GOVERNANCE STRUCTURE OF LOCAL SCHOOL BOARDS IN MISSISSIPPI; TO PROVIDE FOR A REPORT TO THE 2014 REGULAR SESSION OF THE LEGISLATURE; AND FOR RELATED PURPOSES.

SB 2526. Vetoed 4/12/13.

AN ACT TO AMEND SECTION 67-1-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE TRANSPORT THROUGH AREAS THAT ARE DRY OF A CERTAIN AMOUNT OF ALCOHOLIC BEVERAGES THAT ARE LEGALLY PURCHASED IN THIS STATE IF SUCH ALCOHOLIC BEVERAGES ARE IN UNOPENED BOTTLES OR CONTAINERS; TO AMEND SECTIONS 67-3-7 AND 67-3-13, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2183, 2013 REGULAR SESSION, TO AUTHORIZE THE TRANSPORT THROUGH AREAS THAT ARE DRY OF LEGALLY PURCHASED LIGHT WINE AND BEER IF SUCH LIGHT WINE OR BEER IS IN UNOPENED CONTAINERS; AND FOR RELATED PURPOSES.

SB 2694. Vetoed 3/20/13. Referred to Business and Financial Institutions on 3/22/13.

AN ACT TO REENACT SECTIONS 73-4-1 THROUGH 73-4-51, MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI AUCTIONEERS LICENSE ACT; TO AMEND SECTION 73-4-53, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE ACT; AND FOR RELATED PURPOSES.

ACCOUNTABILITY, EFFICIENCY, TRANSPARENCY

SB 2070. Effective 7/1/13. Signed 3/20/13.

SB 2070 requires notice of any regular meeting held by a state agency, other than a legislative committee, to be submitted to DFA at least 24 hours before the meeting in order to be posted on DFA's searchable website. SB 2070 does not apply to institutions of higher learning, community and junior colleges, counties or municipalities.

SB 2073. Effective 7/1/13. Signed 3/20/13.

SB 2073 amends the Public Purchasing Law to authorize certified purchasing offices to consider the location of a bidder's local office and inventory when determining the best value of a bid.

SB 2074. Effective 7/1/13. Signed 3/20/13.

SB 2074 revises the qualifications of the State Personnel Director to clarify that the director may have a juris doctor degree from an accredited law school, instead of a master's degree in business administration, or personnel management, or the equivalent.

SB 2238. See summary under Elections heading.

SB 2239. See summary under Elections heading.

SB 2311. See summary under Elections heading.

SB 2322. Effective 7/1/13. Signed 4/24/13.

SB 2322 provides that the Public Service Commission shall not have jurisdiction over, attempt to regulate, or otherwise interfere with the governance, management or other internal affairs of public utilities that provide water or sewer disposal services. SB 2322 provides that a member of a member-owned rural water association shall have the right to attend meetings of the association and shall receive written notice of any meeting at which an election of board members will occur.

SB 2580. See summary under Ports and Marine Resources heading.

SB 2786. See summary under Universities and Colleges heading.

HB 141. Effective 7/1/13. Signed 3/25/13.

HB 141 prohibits a county, the board of supervisors of a county, a municipality or the governing authorities of a municipality from establishing a mandatory, minimum living wage rate or minimum number of vacation or sick days that would regulate how a private employer pays its employees. It also provides that the Legislature finds that these prohibitions are necessary to ensure an economic climate conducive to new business development and job growth in the State of Mississippi.

The bill also clarifies that the provisions of the bill shall not impede or supersede a municipality's authority granted under Sections 17-21-1, 17-21-5 and 17-21-7.

The bill also clarifies that the provisions of the bill shall not be construed to limit the authority of counties and municipalities to grant tax exemptions authorized by state law.

HB 275. See summary under Elections heading.

HB 317. See summary under Universities and Colleges heading.

HB 437. See summary under Insurance heading.

HB 478. Effective 7/1/13. Signed 3/20/13.

HB 478 is a part of the Mississippi Accountability and Transparency Act, and it requires that a detailed description of expenditures of state bond proceeds be made available on the searchable website operated by the Department of Finance and Administration.

Beginning on July 1, 2014, when the expenditure of state funds involves the expenditure of bond proceeds, the searchable website must include the following:

- A clear, detailed description of the purpose of the bonds;
- A current status report on the project or projects being financed by the bonds; and
- A current status report on the payment of the principal and interest on the bonds.

HB 480. Effective 7/1/13. Signed 3/18/13.

HB 480 requires state agencies and officials to regularly update information on their websites to ensure that it is current.

Each statewide elected official and each state agency that provides information to the public about the agency or office on a website on the Internet shall review and update the information on the website on a regular basis, no less frequently than once a month, to ensure that the information appearing on the website is current and that outdated information has been removed or placed in a separate section of archived information.

HB 502. Effective 7/1/13. Signed 3/18/13.

HB 502 addresses public purchasing, by requiring state agency purchasing offices to have all purchasing officials certified.

HB 502 revises the definition of "certified purchasing office" for the purposes of the public purchasing laws to mean a state agency purchasing office in which 100% of the purchasing officials hold a certification from the State of Mississippi's Basic or Advance Purchasing Certification Program.

The Office of Purchasing, Travel and Fleet Management shall adopt regulations governing the Mississippi Purchasing Certification Program, which shall be required of all purchasing officials at state agencies. Those regulations shall require state agency purchasing offices desiring to be classified as certified purchasing offices to have 100% participation and completion by purchasing officials in the Mississippi Purchasing Certification Program.

To recover its costs to administer the Mississippi Purchasing Certification Program, the Office of Purchasing, Travel and Fleet Management shall set a fee in an amount necessary to recover such costs, which shall be assessed to the participating state agencies.

HB 525. Effective 7/1/13. Signed 3/14/13.

HB 525 removes the provision of law that requires the State Personnel Board to approve the salary set by the Board of Directors of the Mississippi Industries for the Blind (MIB) for the Executive Director of the MIB.

HB 777. See summary under Public Health and Welfare heading.

HB 919. Effective 7/1/13. Signed 4/23/13.

HB 919 deletes the repealers on statutes that set out the powers and duties of the State Auditor's office, provide for the payment of costs incurred by a state agency for the costs of audits and the use of any independent specialist or firm contracted by the State Auditor to assist in the performance of audits, and require a physical audit of actual items or properties shown on the inventory of state agencies.

HB 964. Effective 7/1/13. Signed 3/20/13.

HB 964 prohibits sellers in sales of goods or services from imposing a surcharge on a buyer who uses a state-issued credit card, procurement card, travel card, or fuel card.

HB 990. Effective 7/1/13. Signed 3/21/13.

HB 990 revises and updates the investment options for excess funds of the Public Employees' Retirement System to reflect the current investment environment.

HB 1009. Effective 7/1/13. Signed 4/23/13.

HB 1009 revises the prohibition in current law providing that the Department of Human Services may not delegate, privatize or enter into a contract with a private entity for the operation of any office, bureau or division of the department, without specific authority to do so by general act of the Legislature.

An exception to the current prohibition is made to authorize the Department of Human Services or the Executive Director of the department to enter into any contract with a vendor or contractor intended to improve performance, reduce costs or increase efficiency. However, if such a contract is executed, the contract shall remain under the supervision or control of an office, bureau or division of the department. Further, no county office of the department may be closed, unless the Legislature specifically authorizes its closure in advance.

HB 1015. Effective 7/1/13. Signed 4/23/13.

HB 1015 increases the amount of the fees charged for the reinstatement of suspended, revoked or cancelled driver's licenses as follows:

- Provides that a fee of \$100.00 (\$25.00 under prior law) will be charged for reinstatement of a license issued to a person whose license has been validly suspended, revoked or

cancelled. The funds received from the fee will be distributed as follows:

- ▶ \$25.00 will be deposited into the State General Fund in accordance with Section 45-1-23;

- ▶ \$25.00 will be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

- ▶ \$25.00 will be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

- ▶ \$25.00 will be deposited into the Ignition-Interlock Device Fund created in Section 63-1-43.

- Provides that a fee of \$175.00 (\$75.00 under prior law) will be charged for the reinstatement of a license issued to a person whose license has been validly suspended or revoked under the Mississippi Implied Consent Law or as a result of a conviction of a violation of the Uniform Controlled Substances Law. The funds received from the fee will be distributed as follows:

- ▶ \$100.00 will be deposited into the State General Fund in accordance with Section 45-1-23;

- ▶ \$25.00 will be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

- ▶ \$25.00 will be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

► \$25.00 will be deposited into the Ignition-Interlock Device Fund created in Section 63-1-43.

- Provides that a fee of \$25.00 will be charged for the reinstatement of a license issued to a person whose license has been validly suspended for nonpayment of child support under Sections 93-11-151 through 93-11-163. The funds received from the fee will be deposited into the State General Fund in accordance with Section 45-1-23.

HB 1015 also requires the Department of Public Safety, upon request of a county board of supervisors, to furnish either a permanent driver's license kiosk or a license examiner at a location in the county seat for at least one day every month to conduct licensing examinations, road tests and renewals. The board of supervisors has the option of requesting and choosing either the permanent driver's license kiosk or a license examiner. The county must furnish the office, heating and cooling, phone service and Internet connectivity at the location for the kiosk or license examiner.

HB 1132. Effective 7/1/13. Signed 3/21/13.

HB 1132 authorizes the Department of ITS to charge fees to vendors to recover the cost of providing procurement services and the delivery of procurement awards to public bodies.

HB 1169. See summary under Public Health and Welfare heading.

HB 1216. See summary under Ports and Marine Resources heading.

HB 1243. Effective 7/1/13. Signed 3/25/13.

HB 1243 requires state agencies and departments to provide a legislative update section on their websites.

Within 60 days after the end of each regular legislative session, each state agency or department shall include on its Internet website a separate section that provides a legislative update on any legislation enacted during that session that revises the powers and duties of the agency or department. A link to the legislative update section shall be included on the home page of the website, and the update section shall contain a summary of the revisions made to the powers and duties of the agency or department. In addition, the website shall include a contact section or link so that members of the public may comment on or ask questions about the revisions. The legislative update section shall remain on the agency's or department's website until January 1st of the following year.

HB 1256. Effective 7/1/13. Signed 4/25/13.

HB 1256 revises the provision of law regarding the organization of the Department of Audit to provide that there will be a Financial and Compliance Division and an Investigations Division, each with a director appointed by the State Auditor. The Director of the Financial and Compliance Division must be a certified public accountant of recognized executive ability, and the Director of the Investigations Division must be a certified law enforcement officer of recognized executive ability.

In addition, the bill authorizes the State Auditor to appoint deputy auditors, employ attorneys, certified public accountants and other assistants, and contract for any services necessary to carry out the duties of the Department of Audit. The bill eliminates the requirement that administrative,

technical and professional assistants be qualified under a merit system established by the Auditor, and deletes the restriction that the Auditor may not discharge any employee covered by the merit system, except for certain acts committed in violation of the merit system.

HB 1293. Effective 7/1/13. Signed 4/23/13.

HB 1293 addresses the exemption from bidding requirements under the public purchasing laws for certain purchases involving items from the state's prison industries. It provides that the exemption is limited to purchases made by the Mississippi Department of Corrections, regional correctional facilities or privately owned prisons involving any item that is manufactured, processed, grown or produced from the state's prison industries. Purchases of prison industry products by other state agencies or governing authorities no longer qualify for the exemption under this provision.

HB 1326. Effective on passage. Signed 3/25/13.

HB 1326 authorizes counties, municipalities and state agencies to bear the full cost of processing electronic payments for retail merchandise sold by such entities.

HB 1515. Effective 7/1/13. Signed 3/20/13.

HB 1515 provides that the governing authorities of any county or municipality may donate funds to chapters of the Young Men's Christian Association. This bill also clarifies the authority of governing authorities to donate funds to certain certified farmers' markets.

AGRICULTURE

SB 2511. Effective 7/1/13. Signed 3/7/13.

SB 2511 revises and recodifies syrup labeling requirements. Section 75-29-201 is amended to clarify that it is unlawful to sell any product as "pure syrup" if it does not meet the minimum requirements established by the Mississippi Department of Agriculture. Ingredients on labels must be listed in descending order of predominance of weight. Section 75-29-205 is amended to provide for an appeal from stop-sale order by the Commissioner of Agriculture. Section 75-29-211 is amended to provide for administrative penalties for violations of syrup labeling requirements and to provide an appeal process from the administrative penalties. A new code section is created to require distributors to keep a record of the name and addresses of the manufacturers whose syrup they distribute for 3 years and to provide that information to the commissioner when investigating the source of adulterated syrup or syrup products.

SB 2513. Effective 7/1/13. Signed 3/19/13.

SB 2513 amends Section 69-7-607 to require fish products as defined in Section 69-7-605 of the Catfish Marketing Law to be subject to the same labeling requirements as United States catfish. The other fish products are "catfish" such as basa imported from overseas.

SB 2553. Effective passage. Signed 4/1/13.

SB 2553 exempts small cottage food operations with annual gross sales of less than \$20,000.00 from certain permitting requirements of the Mississippi Department of Health. A cottage food operator is prohibited from selling cottage food products over the Internet, by mail order, or to wholesale and retail establishments. Cottage food products are nonpotentially hazardous food products as defined by the Department of Health. Cottage food products which are prepackaged must meet certain labeling requirements and have printed on the label that the Cottage food operation is not subject to State Food Safety Regulation. The Department of Health is authorized to inspect the premises of a cottage food operation only if a complaint is filed.

In addition, SB 2553 renames the Mississippi Small Farm Development Center at Alcorn State University as the Mississippi Small Farm and Agribusiness Center.

SB 2769. Effective passage. Signed 3/11/13.

SB 2769 amends Section 61-19-1 to extend the repealer until July 1, 2017, on the safety marking requirements for anemometer towers.

HB 64. Effective on passage. Signed 3/18/13.

HB 64 amends Section 69-5-107 to relocate the state fall dairy show that has been customarily held in Columbia, Marion County, Mississippi, to Purvis in Lamar County, Mississippi.

HB 178. Effective 7/1/13. Signed 3/25/13.

HB 178 amends Section 97-17-53 to revise the offense of theft of livestock to include the knowing and willful stealing or carrying away of livestock as larceny. The total value of the livestock obtained shall be aggregated in determining the gravity of the offense. In addition, if a person obtains livestock by fraudulent conduct, he is guilty of fraud. Obtaining livestock from a commission merchant or livestock owner by promising prompt payment according to the Packers and Stockyards Act and failing to make prompt payment for the livestock constitutes prima facie evidence of fraudulent conduct.

HB 387. Effective on passage. Signed 3/25/13.

HB 387 amends Sections 75-77-1 and 75-77-9 to exempt retailers of all-terrain vehicles and off-road utility vehicles from having to purchase their inventory which are not current models or which are not in new, unused, undamaged, complete condition upon termination of a retail contract.

HB 552. Effective on passage. Signed 4/23/13.

HB 552 authorizes the Mississippi Department of Agriculture and Commerce to issue certificates of free sale for agricultural products grown or manufactured in Mississippi or distributed and sold from Mississippi and exported from the state to other importing states and foreign countries that require a certificate be supplied for products registered with or regulated by the Mississippi Department of Agriculture and Commerce.

For purposes of the bill, "agricultural products" means, but is not limited to, any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed for human or livestock consumption or products that are used for agricultural purposes such as fertilizers and soil and plant amendments.

Businesses in good standing with the department desiring certificates of free sale must request the certificates in writing. The department assumes no legal liability by issuing these certificates.

HB 718. Effective on passage. Signed 3/26/13.

HB 718 creates an Interagency Farm-To-School Council to facilitate the procurement and use of locally grown and locally raised agricultural products in school meals in order to improve the quality of food served in schools and to support the state economy by generating new income for Mississippi farmers. The council consists of nine members who represent various educational and agricultural organizations in the state both public and private. The council is charged with facilitating the creation and growth of farm-to-school programs in communities throughout the State of Mississippi through studying, recommending and administering best practices for creating farm to school programs. Members of the council shall serve without compensation or reimbursement for their expenses related to participating in the council, and the council shall function without appropriations or state funds. The council shall report its progress and findings to the Legislature on or before January 1, 2015, and once annually in each following year in which the council is convened.

HB 751. Effective 7/1/13. Signed 3/20/13.

HB 751 amends Section 69-3-6 to remove the notarization requirement on quarterly reports to be provided to the Department of Agriculture and Commerce covering the total pounds of all sales of seed subject to the fee and sold during the preceding quarter.

The bill amends Section 69-3-25 to increase the penalty imposed for violations of the Seed Law from a fine of not less than \$100.00 and not more than \$500.00 to not more than \$1,000.00, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 69-3-29 is amended to provide an administrative hearing by the Bureau of Plant Industry under Sections 69-25-51 through 69-25-63 for persons who have committed a violation, and the person shall be administratively and civilly liable for penalties if found guilty.

HB 770. Effective on passage. Signed 3/18/13.

HB 770 authorizes the Mississippi Fair Commission to hire and designate area law enforcement officers on a contractual basis to provide security and to enforce all laws of the State of Mississippi on the Mississippi State Fairgrounds Complex, provided that the officers have attended and satisfactorily completed the training course required for law enforcement officers at the Law Enforcement Officer's Training Academy or an equivalent facility. While on duty all officers must be dressed in uniforms prescribed by the Mississippi State Fair Commission and are authorized to carry weapons. Duly sworn officers shall be vested with authority to bear arms and make arrests, and shall exercise primarily the responsibilities of the prevention and detection of crime, the apprehension of criminals, and the

enforcement of the ordinances and policies of the Mississippi State Fair Commission.

The bill further amends Sections 29-5-2, 29-5-77 and 29-5-81 to include the Mississippi State Fair Grounds Complex under the jurisdiction of the Department of Finance and Administration. Additionally, the Department of Finance and Administration and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Finance and Administration to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Mississippi Fair Commission known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property and the boundaries of patrol are specified.

HB 772. Effective 7/1/13. Signed 3/25/13.

HB 772 amends Section 75-27-59 to establish an administrative hearing process and administrative penalties for weights and measures violations. For the first violation, there is imposed a penalty of not less than \$100.00 nor more than \$1,000.00. The second violation committed within 12 months of the first incurs a penalty of not less than \$100.00 nor more than \$2,000.00. For a third violation committed within 18 months from the date of the first violation, the penalty is not less than \$1,000.00 nor more than \$3,000.00. Persons subject to an administrative penalty have a right to request an administrative hearing within 30 days of receipt of the notice of the penalty. Any civil penalty collected under this act goes to the General Fund.

HB 1161. Effective 7/1/13. Signed 3/20/13.

HB 1161 amends Section 75-55-5, by extending the repealer to July 1, 2016, on the definitions and certain rules and regulations of the Petroleum Products Inspections Law of Mississippi. Also, the bill amends Section 75-55-37, by extending the repealer to July 1, 2016, on the penalty provision of the law.

APPROPRIATIONS

SB 2047. See summary under Judiciary, Division A heading.

SB 2302. See summary under Public Health and Welfare heading.

SB 2342. See summary under Public Health and Welfare heading.

SB 2395. See summary under Education heading.

SB 2547. See summary under Corrections heading.

SB 2658. See summary under Education heading.

SB 2659. See summary under Education heading.

HB 373. See summary under Highways and Transportation heading.

HB 436. See summary under Highways and Transportation heading.

HB 478. See summary under Accountability, Efficiency, Transparency heading.

HB 525. See summary under Accountability, Efficiency, Transparency heading.

HB 578. See summary under Corrections heading.

HB 672. See summary under Education heading.

HB 776. See summary under Public Health and Welfare heading.

HB 896. See summary under Education heading.

HB 901. Effective 7/1/13. Signed 4/23/13.

This bill provides for the transfers of funds and addresses other fiscal matters as follows:

- Directs the State Fiscal Officer to transfer certain amounts to the Budget Contingency Fund from the State General Fund and certain special funds during fiscal year 2014.
- Extends to July 1, 2016, the date of the repealers on the Health Care Trust Fund and the Health Care Expendable Fund.
- Provides that the total amount of the tobacco settlement installment payment in calendar year 2013 will be deposited into the Health Care Expendable Fund.
- Transfers the sum of \$23,100,000.00 from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2014.

- Authorizes the Executive Director of the Department of Finance and Administration to transfer not more than \$2,000,000.00 from the Capital Expense Fund for the purpose of paying the cost of repairs of damage caused by the hail storm on March 18, 2013, and to transfer not more than \$15,000,000.00 for the purpose of providing the funds necessary to continue the operations of the MAGIC project, and requires that any funds transferred for those purposes must be transferred back to the Capital Expense Fund not later than June 30, 2014.

HB 919. See summary under Accountability, Efficiency, Transparency heading.

HB 1132. See summary under Accountability, Efficiency, Transparency heading.

HB 1256. See summary under Accountability, Efficiency, Transparency heading.

HB 1530. Effective 7/1/13. Signed 4/25/13.

This bill provides that a compulsory-school-age child who is absent for more than 37% of the instructional day must be considered absent for the entire day for the purposes of the Compulsory School Attendance Law.

In addition, the bill revises the definition of the terms "minimum school term" and "average daily attendance," as those terms are used for determining allocations to school districts under the adequate education program, to provide that a pupil must be present for at least 63% of the instructional day in order to be considered in full-day attendance.

However, in determining and reporting attendance for average daily attendance purposes, a pupil's absence will be considered excused if the pupil is participating in an activity necessitating his or her absence as defined by the State Board of Education. Such activities include, but are not limited to: official organized events sponsored by the 4-H or Future Farmers of America (FFA); official organized junior livestock shows and rodeo events; official employment as a page at the State Capitol for the Mississippi House of Representatives or Senate; subject-matter field trips; athletic contests; student conventions; music festivals or contests; and any similar school-related activity designated by the State Board of Education.

BUSINESS AND FINANCIAL INSTITUTIONS

SB 2171. Effective 7/1/13. Signed 4/18/13.

SB 2171 provides that size or area of real property shall not be required to be disclosed by any real estate licensee and disclosure shall not be considered as any warranty or guarantee of the size or area information. If a real estate licensee provides third-party information concerning the size or area, in square footage or otherwise, of the subject property, the licensee shall identify the source of the information.

SB 2171 also does the following:

- Provides that a real estate licensee has no duty to the seller or purchaser to conduct an independent investigation of the size or area of a subject property, or to independently verify the accuracy of any third-party information;
- Provides that a real estate licensee shall not be subject to liability for damages sustained with regard to any conflicting measurements or opinions of size or area;
- Provides that a real estate licensee may be liable only when he knowingly violates the duty to disclose the source of the size or area information. However, nothing in this act shall provide immunity from civil liability to any licensee who knowingly misrepresents the size or area of the subject real property.

SB 2194. Effective on passage. Signed 2/19/13.

SB 2194 provides that the limit on loans and extensions of credit applicable to any one (person, company, corporation or firm shall take into consideration credit exposure arising from derivative transactions between the bank and the party. The term "derivative transaction" includes any transaction that is a contract, agreement, swap, warrant, note or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices or other assets.

SB 2557. Effective 7/1/13. Signed 3/18/13.

SB 2557 extends the date of repeal until July 1, 2015, on the Mississippi Debt Management Services Act.

SB 2698. Effective 7/1/13. Signed 3/25/13.

SB 2698 amends Sections 73-60-1, 73-60-3, 73-60-7, 73-60-23, 73-60-29 and 73-60-45, to remove all references to the Home Inspector Regulatory Board and transfer its duties to the Mississippi Real Estate Commission. The bill also repeals Section 73-60-5, which creates the Home Inspector Regulatory Board and provides for its membership. The amended sections in the bill stand repealed on July 1, 2017.

HB 559. Effective on passage. Signed 3/20/13.

HB 559 reenacts the Mississippi Check Cashers Act and deletes the repealer on that act.

HB 1165. Effective 7/1/13. Signed 3/20/13.

HB 1165 reenacts the Mississippi Auctioneers License Act and extends to July 1, 2016, the date of the repealer on that act.

HB 1233. Effective 7/1/13. Signed 3/20/13.

HB 1233 provides that a violation of the exemption from the Mississippi S.A.F.E. Mortgage Act for persons who owner finance not more than 10 residential mortgage loans in one year will not affect the title of the purchaser/borrower or the obligation of the purchaser/borrower under the terms of the mortgage loan.

CORRECTIONS

SB 2547. Effective on passage. Signed 4/1/13.

This bill amends Section 47-4-1 to authorize the incarceration of federal inmates at the privately operated correctional facility in Leflore County, Mississippi. The bill includes other amendments to this code section that are related to this new authority. First, the private entity, the State of Mississippi, the Mississippi Department of Corrections or Leflore County may enter into agreements related to leasing property. The term of these agreements cannot be over 40 years. Finally, the private entity must assume complete responsibility for the inmates, including liability to the state for any illegal or tortious actions of the inmates.

HB 578. Effective on passage. Signed 3/21/13.

This bill amends Section 47-5-931 to authorize the Department of Corrections to contract for the housing of not more than 75 additional offenders at the Kemper-Neshoba County Regional Correctional Facility. Previously, the department could only contract for the housing of not more than 75 female offenders at the facility.

HB 1231. Effective on passage. Signed 4/23/13.

This bill creates the Corrections and Criminal Justice Task Force whose duty is to study and make recommendations for improving the relationship between the state's corrections system and the criminal justice system. More specifically, the task force shall carry out the following duties before making recommendations:

- Undertake a comprehensive review of all areas of the state's corrections system, including state, local and tribal governments' corrections practices and policies regarding sentencing guidelines;
- Review the total number of offender populations in Mississippi correctional facilities to determine which offenders receive or serve differing sentences for the same crimes, enumerating any discrepancies in sentencing for conviction of the same crimes and documenting the percentage of offenders whose sentence was a result of mandatory minimum sentencing;
- Make findings regarding such review and recommendations for changes in oversight, policies, practices and laws designed to prevent, deter and reduce crime and violence, reduce recidivism, improve cost-effectiveness and ensure the interests of justice at every step of the criminal justice system;
- Identify critical problems in the criminal justice system and assess the cost-effectiveness of the use of state and local funds in the criminal justice system;
- Consult with state, local and tribal government and nongovernmental leaders, including law enforcement officials, legislators, judges, court administrators, prosecutors, defense counsel, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties

organizations, formerly incarcerated individuals and corrections officials; and

- Conduct a comprehensive review of the drug court programs, intensive supervision programs and any other alternative incarceration programs utilized in the state and provide detailed recommendations regarding the appropriate funding to support those programs.

The task force shall be comprised of the following 21 members:

- The Chairpersons of the Corrections Committees of the House of Representatives and Senate, or their designees;

- The Chairpersons of the Judiciary "B" Committees of the House of Representatives and the Senate, or their designees;

- The Lieutenant Governor, or a designee;

- The Speaker of the House of Representatives, or a designee;

- The Commissioner of Corrections, or a designee;

- The Attorney General, or a designee;

- A state Supreme Court justice or Court of Appeals judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

- A state circuit court judge who presides over a certified drug court, appointed by the Chief Justice of the Supreme Court of Mississippi;

- A state justice court judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

- A state county court judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

- A county public defender, appointed by the Governor;

- The Director of the Capital Defense Counsel within the Office of the State Public Defender, or a designee;
- A member of the Mississippi Sheriffs' Association, appointed by its executive director;
- A district attorney or an assistant district attorney, appointed by the Attorney General;
- A member of the Mississippi Association of Supervisors, chosen by the Executive Director of the Mississippi Association of Supervisors;
- A member representing the Southern Poverty Law Center, appointed by the Managing Attorney for Mississippi;
- A member of the Mississippi Association for Justice, appointed by its executive committee president;
- A member of the Mississippi Association of Chiefs of Police, appointed by its executive board president; and
- The President of the Mississippi Prosecutors Association, or a designee.

By December 31, 2013, the task force shall prepare and submit a final report to the Legislature, Governor, and to local and tribal governments that contains a detailed statement of findings, conclusions and recommendations of the task force. Once the report, which shall be made available to the public, is submitted to the Governor and the Legislature, the task force shall be abolished.

COUNTY AFFAIRS

SB 2447. Effective 7/1/13. Signed 3/18/13.

Current law allows cities and counties to accept the payment of various taxes, fees and other accounts receivable by credit cards, debit cards and other forms of electronic payment, in accordance with policies established by the State Auditor. SB 2447 would clarify the definition of "other accounts receivable" so that judgments, fines, costs and penalties for criminal or traffic offenses could also be paid by credit and debit cards. The bill also prohibits cities and counties from charging the user any additional amount above the processing fee on each transaction.

HB 394. Effective 7/1/13. Signed 3/18/13.

HB 394 authorizes municipalities and counties to sell or dispose of any surplus personal or real property of the entity at a public auction. It also authorizes the auction to be conducted by an auctioneer or auction company that is approved by the State Department of Audit, meets standards established by the State Department of Audit and hired by the governing authority of a county or municipality.

HB 921. Effective 7/1/13. Signed 3/20/13.

HB 921 revises the qualifications of the county fire services coordinator to require that he or she must demonstrate fire-related knowledge and experience as well as meet the guidelines established by the Commissioner of Insurance. The bill also prohibits the coordinator from being compensated from insurance rebate monies from the County Volunteer Fire Department Fund.

HB 943. Effective upon approval under the Voting Rights Act of 1965. Signed 3/20/13.

HB 943 allows the board of supervisors in each county to establish a county court, if they so choose, without conducting a special election. The bill also provides that an existing county court can be abolished if 20% of the electorate petition the board of supervisors for a special election, and a majority then votes to abolish the county court.

DRUG POLICY

SB 2193. Effective 7/1/13. Signed 3/20/13.

This bill amends Section 41-29-117 to revise Schedule III of the Uniform Controlled Substances Act to include the anabolic steroids methasterone and prostanazol, and to rearrange the existing scheduled anabolic steroids so that they are listed in alphabetical order. Section 41-29-121, is amended to revise Schedule V to include the depressant ezogabine. Technical amendments are made to both sections to more closely conform the Mississippi scheduling language to the federal controlled substance schedules.

ECONOMIC DEVELOPMENT

SB 2183. Effective 7/1/13. Signed 3/18/13.

This bill authorizes every person 21 years of age or older to make homemade beer for personal, family, domestic or household uses if the beer is made in a county or municipality in which the possession of light wine or beer is lawful.

The bill limits the maximum amount of homemade beer that a person may make in a calendar year to an amount not to exceed:

- 100 gallons if there is only one person over the age of 21 years of age residing in the household; and
- 200 gallons if there are 2 or more persons over the age of 21 years residing in the household.

These amounts conform to the maximum amount of homemade beer that a person may make under federal law.

A person who makes homemade beer may remove the beer from the premises of the household where it is made and transport the beer only for the purpose of participating in a bona fide exhibition, contest or competition where homemade beer is being tasted and judged; however, homemade beer may not be sold or offered for sale under any circumstances.

SB 2462. Effective on passage. Signed 4/12/13.

The Mississippi Motion Picture Incentive Act provides rebates for motion picture production companies that produce motion pictures in this state. Current law authorizes a rebate to motion picture production companies that expend \$50,000.00 in base investment or payroll in this state in an amount Equal to 25% of the base investment made by the motion picture production company. Current law also authorizes a rebate to a motion picture production company in an amount equal to 25% of payroll

paid for any employee who is not a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968, and equal to 30% of payroll paid for any employee who is a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. If the payroll paid for an employee exceeds \$1,000,000.00, then the rebate is authorized only for the first \$1,000,000.00 of that payroll. Current law limits the total amount of rebates authorized for a motion picture project to \$8,000,000.00 in the aggregate. The law prohibits the Department of Revenue from approving any application for a payroll rebate for a person who is not a resident of this state after July 1, 2014.

This bill revises the definition of the terms "motion picture" and "motion picture production company" under the act to include computer or video games made in Mississippi, in whole or in part, for playing on a video game console, personal computer or handheld device.

The bill increases from \$1,000,000.00 to \$5,000,000.00 the amount of payroll to which the payroll rebate in current law applies and provides for a new rebate equal to 5% of the payroll paid for any employee who is an honorably discharged veteran of the United States Armed Forces and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. The bill raises from \$8,000,000.00 to \$10,000,000.00 the aggregate total amount of rebates authorized for a motion picture project.

The bill provides that the Department of Revenue cannot approve any application for a payroll rebate for a person who is not a resident of this state after July 1, 2016.

HB 1300. Effective on passage. Signed 3/18/13.

This bill authorizes the holder of a manufacturer's distiller's permit who distills alcoholic beverages at a distillery located in this state to offer and provide limited amounts of alcoholic beverages on the premises of the distillery for the purpose of tasting or sampling, subject to the following conditions:

- The alcoholic beverages provided for tasting or sampling must be manufactured in this state by the holder of the permit operating the distillery at the site of and on the premises of the distillery;

- The alcoholic beverages may be provided only to persons on the premises of the distillery at no cost and for consumption on the premises of the distillery;

- The alcoholic beverages may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the distillery and related facilities which must include the entire manufacturing and distilling processes and methods used at the distillery;

- No one under 21 years of age may participate in the tasting or sampling, and a sign indicating that prohibition must be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted;

- An individual size sample of alcoholic beverages cannot exceed 1/4 ounce, and no more than four samples of alcoholic beverages may be provided to an individual within a 24-hour period; and

- The holder of the permit operating the distillery must keep an accurate accounting of the various alcoholic beverages provided and consumed as samples.

EDUCATION

SB 2133. Effective on passage. Signed 4/24/13.

This bill creates a study committee to study implementation of curriculum based on Erin's Law.

This bill creates the Erin's Law study committee for the purpose of studying the possibility of creating and implementing a curriculum for the prevention of sexual abuse of children.

SB 2138. Effective 7/1/13. Signed 4/25/13.

This bill clarifies the distribution of funds and time of payment of school employee salaries and other school district financial procedures.

- Provides for the time of the monthly distribution of Adequate Education Funds to local school districts.
- Provides for the time and payment of salaries or wages to school district employees.
- Authorizes the State Board of Education to issue regulations concerning the type of financial reports required to be submitted by local school districts.
- Clarifies that local school boards shall require the issuance of procurement cards for supply funds expenditures.
- Extends the Task Force to Study Strategies for Solving the Current Teacher Shortage in Mississippi until 2014.

SB 2188. Effective 7/1/13. Signed 4/18/13.

This bill clarifies grounds for license denial and procedures for reinstatement of teacher and administrator licensure.

- Clarifies the grounds for teacher and administrator licensure denial by the State Board of Education.

- Provides for certain standards and procedures for reinstatement of teacher or administrator licenses.
- Establishes criteria for a teacher candidate to be licensed in Mississippi for entrance into an approved teacher education program to be phased-in effective September 30, 2015:
 - 21 ACT or achieve the nationally recommended passing score on the Praxis Core Academic Skills for Educators Examinations.
 - No less than 2.75 GPA on pre-major coursework of the institution's approved teacher education program provided that the accepted cohort of candidates meets or exceeds a 3.0 GPA on pre-major coursework.
 - Applies to standard teacher education route and alternative teacher education route.

SB 2347. Effective on passage. Signed 4/18/13.

This bill creates the Literacy-Based Promotion Act to establish a program in public schools to achieve grade-level reading by end of Third Grade. The bill aims to improve student reading instruction in early grades, capped with a pledge to not promote Third Graders who can't score at a basic level on the state test.

- Establishes the "Literacy-Based Promotion Act" to improve Kindergarten and First through Third Grade public school students' reading skills so that every student completing Third Grade reads at or above grade level.
- Requires school districts to provide intensive reading instruction and intervention to students exhibiting a substantial deficiency in reading in Kindergarten and Grades 1 through 3.

- Prohibits the promotion of students whose reading deficiency is not remedied before the end of Third Grade.
- Requires notice to be given to parents of Kindergarten and First through Third-Grade students exhibiting a reading deficiency.
- Requires the State Department of Education to establish the Mississippi Reading Panel to recommend appropriate alternative standardized assessments.
- Prohibits the promotion of public school students based solely on a student's age or other social promotion factors.
- Establishes good-cause exemptions for promotion for Third Grade students failing to meet academic requirements for promotion.
- Specifies certain actions school districts must take in implementing the Literacy-Based Promotion Act in Kindergarten and Grades 1 through 3.
- Requires school boards to submit annual reports to parents on their respective student's progress in reading.
- Requires school boards to publish data reflecting students' progression and performance in a local newspaper.
- Requires the State Board of Education to adopt policies necessary for the implementation of the program.
- Provides that children age 5 on or before September 1 of the calendar year who have enrolled in public kindergarten are subject to the provisions of the Mississippi Compulsory School Attendance Law.
- Provides for an excused absence when it results from students participating in official organized event sponsored by 4-H or Future Farmers of America and students serving as a Page at the State Capitol.

SB 2395. Effective 7/1/13. Signed 4/18/13.

This bill authorizes state-funded prekindergarten programs to be implemented by the State Department of Education on a phased-in basis. The bill would allocate money to groups of preschool providers in hopes of expanding and improving prekindergarten instruction. The prekindergarten program would offer funding for 1,325 students statewide in its first year.

- Authorizes and directs the State Department of Education to implement a prekindergarten program in the State of Mississippi on a phased-in basis.

- Amends code sections to transfer duties and responsibilities of the Department of Human Services relative to the "Early Learning Collaborative Act" to the State Department of Education.

- Eligible pre-K providers: Public, parochial or private schools, Head Start; and licensed private childcare centers.

- Eligible children: Children who have attained the age of 4 by September 1 of a school year.

- Eligible communities: In order to participate, local communities must form an early learning collaborative, which is a council comprised of prekindergarten providers and other organizations that serve pre-K-aged children. The collaborative will develop an application for funds describing how its members will serve pre-K children in its community.

- Eligible lead partners: Public schools or nonprofit organizations can serve as lead partners for early learning collaboratives. Each early learning collaborative will choose its own lead partner, who is responsible for facilitating the collaborative and serving as its fiscal agent. If a collaborative is unable to come to a decision about a lead

partner among eligible partners, the public school district shall serve as the lead partner by default.

- Program requirements: The program requirements include most of the 10 benchmarks for quality state pre-K programs developed by the National Institute for Early Education Research (NIEER). As written, class size and student/teacher ratio, minimum hours of professional development, and a daily nutritious meal aren't included in program criteria.

- Voluntary nature of the program: The program is voluntary for both families and prekindergarten providers: families do not have to send their child to pre-K and providers do not have to participate in the program.

- Teacher qualifications and professional development: Teachers must hold a BA and specialized training in early childhood education. Assistants must hold an AA certification or equivalent as well as specialized training in early childhood education. Master teachers must meet the requirements of teachers as well as show evidence of effectiveness in teaching pre-K children. All staff in the program must receive at least 15 hours of professional development a year. The lead partner of an early learning collaborative is responsible for facilitating a professional learning community for instructional staff in the collaborative's program.

- Standards, curriculum and assessments: All programs must abide by state-adopted, comprehensive learning standards that are literacy-focused. Curricula must be research-based and intended to prepare children for school, particularly in early literacy. Assessments must be age-appropriate and aligned to state standards.

- Serving children with disabilities and antidiscrimination requirements: Collaboratives must submit plans for serving children with disabilities. Providers' pre-K programs must comply with antidiscrimination requirements applicable to public schools.

- Parental involvement, parental notification of programs and parental responsibilities: Collaboratives must submit plans for parental involvement opportunities. Collaboratives must make information on each participating provider available to all parents. Parents who enroll their child in the pre-K program must allow their child to be screened at Kindergarten entry.

- Redesignates the prekindergarten program as the "Early Learning Collaborative Act of 2013."

- Commits funding of the "Early Learning Collaborative Act of 2013 on a phased-in basis.

- Amends code sections to designate and empower the State Early Childhood Advisory Council (SECAC) and prescribes its responsibilities to assist the State Department of Education in implementing the "Early Learning Collaborative Act of 2013" pursuant to federal law.

- Authorizes local school districts to implement the "Early Learning Collaborative Act of 2013."

- Provides qualifications for state or federal funded early childhood education program personnel.

- Provides for a state income tax credit for contributions to qualified prekindergarten programs.

- Repeals code section which establishes the Early Childhood Services Advisory Committee.

SB 2396. Effective 7/1/13. Signed 4/25/13.

This bill prescribes standards for a single "A" through "F" school and school district accountability system.

- Authorizes and directs the State Department of Education, acting through the Mississippi Commission on School Accreditation, to establish a single "A" through "F" school and district accountability system satisfying federal and state accountability requirements.

SB 2633. Effective 7/1/13. Signed 3/14/13.

This bill enacts the Mississippi Student Religious Liberties Act of 2013.

- Will be known as the "Schoolchildren's Religious Liberties Act."

- Prohibits local school districts from discriminating against students based on their expression of religious perspectives on otherwise permissible subjects.

- Requires school districts to adopt a policy that establishes a limited public forum for student speakers at school events and to require school districts to publish a disclaimer stating that the students' views do not reflect those of the district.

- Clarifies that students may express their beliefs about religion in homework, artwork and other assignments.

- Authorizes students to organize prayer groups, religious clubs and other religious gathering to the same extent that students are permitted to organize other noncurricular student activities and groups.

- Requires school districts to adopt a policy regarding limited public forums and voluntary expression of religious perspectives.

- Provides a model policy on student expression of religious perspectives and student speakers which school districts may adopt.

- Amends code section which provides that teachers and school administrators may permit the voluntary participation by students in prayer.

- Amends code section which provides that local school boards may allow references to religion in the public schools when the references do not constitute aid to any religious sect or a sectarian purpose.

SB 2637. Effective upon approval under the Voting Rights Act of 1965. Signed 4/25/13.

This bill requires school district consolidation in Clay County:

- Provides that in Clay County there shall be an administrative consolidation into one school district to be designated as West Point Consolidated School District.

- Authorizes and directs the State Board of Education to develop and promulgate a consolidation order for the school districts in the county under certain standards.

- Provides for the new Board of Trustees to be elected in the consolidated school district in a November 2014 special election.

- Directs the State Board of Education to administratively consolidate any school district which does not voluntarily follow the consolidation order.

- Abolishes the former school boards following the administrative consolidation, and provides for the transfer of school district assets and liabilities.

- Provides for the execution of teacher and school district employee contracts in the new school district.

SB 2658. Effective 7/1/13. Signed 4/18/13.

This bill enacts the "Mississippi Education Works Program.

- Creates the Mississippi Education Works Program.
- Directs high schools with graduation rates lower than 80% to submit a plan to the State Department of Education for restructure.

- Creates the Teacher Education Scholars Program and establishes eligibility criteria and funding.

- Establishes a pilot system in certain school districts for evaluating the performance of teachers and administration for the purpose of awarding performance-based compensation.

- Provides for 20 certified academic language therapists who have met the certification requirements of the Academic Language Therapy Association to receive the national board salary supplement.

- Provides for 35 school nurses certified by the National Board for Certification of School Nurses, Inc., to receive the national board salary supplement.

SB 2659. Effective 7/1/13. Signed 4/25/13.

This bill establishes the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program.

- Establishes a Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program in the State Department of Education.
- Would assist law enforcement agencies in providing additional school resources officers to engage in community policing in and around primary and secondary schools.
- Prescribes requirements and standards for the program.
- Authorizes the local school board of public school districts, which are unable to meet the financial requirements for participation in the MCOPS program, to develop a plan for the security of its students, faculty and administration.
- The plan must be approved by the State Board of Education and the Mississippi Department of Public Safety.
- Would allow school boards to apply for grants under the MCOPS program for training of security personnel employed by the school district.

HB 74. Effective on passage. Signed 4/25/13.

This bill amends Section 37-13-91, which is the Mississippi Compulsory School Attendance Law, to include absences resulting from the attendance of a participating child in official organized events sponsored by the 4-H or Future Farmers of America (FFA) provided that the excuse for the event must be supplied in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor, and absences result from the child officially being employed to serve as a page at the State Capitol for the

Mississippi House of Representatives or Senate, as valid excuses for temporary nonattendance of a compulsory-school-age child enrolled in a public school. The bill also provides that children age 5 years on or before September 1 of the calendar year who have enrolled in public kindergarten are subject to the provisions of the Mississippi Compulsory School Attendance Law by removing the authority given to parents to disenroll a child enrolled in a full-day public school kindergarten program on a one-time basis until the child attains the age of 6 years.

The bill also amends Section 37-41-27 to authorize the use of public school buses for the transportation of citizens to historic events held on military parks located within the school district, provided that the determination for such use will be made upon the minutes of the local school board and must include an agreement with the military park indemnifying and holding harmless the school district in any action regarding the transportation provided.

HB 369. Effective 7/1/13. Signed 4/17/13.

This bill is the Mississippi Charter Schools Act of 2013. The bill repeals the existing Conversion Charter School Act of 2010 (Sections 37-165-1 through 37-165-27) and creates a new process for the establishment of new, start-up charter schools or the conversion of existing public schools to charter schools. The act defines a "charter school" as a public school that operates under the terms of a charter contract between the school's governing board and the authorizer. Being a public school, a charter school may not charge tuition.

The bill creates the Mississippi Charter School Authorizer Board as an independent state agency with exclusive chartering jurisdiction in Mississippi. The board shall be comprised of 7 members, 3 to be appointed by the Governor, 3 by the Lieutenant

Governor and one by the State Superintendent of Public Education. Initial appointments to the board must be made by September 1, 2013, and all appointments must be made with the advice and consent of the Senate. After the expiration of initial terms, board members shall serve for staggered three-year terms. The board shall employ an individual to serve as the executive director and general counsel, who may employ necessary administrative staff. The authorizer board shall be located within the offices of the State Institutions of Higher Learning.

The authorizer may approve up to 15 charter school applications per year. In any school district designated as an "A," "B" or "C" district, the local school board has veto authority over whether or not a charter school may be located within the geographical boundaries of the school district: in such school districts, a charter school may be authorized only if a majority of the members of the local school board vote to endorse or initiate the application.

To cover the costs of overseeing charter schools, the authorizer shall be paid 3% of annual per-pupil allocations received by each charter school from state and local funding.

Each year, the authorizer must publish a pamphlet setting forth the state and federal statutes, rules and regulations that are applicable to charter schools. The authorizer must post the pamphlet on the board's website and notify prospective applicants of it.

To encourage the development of charter applications, the authorizer must publish a request for proposals annually. Section 8 of the bill prescribes over 30 specific items that the request for proposals must require charter school applicants to include in an application. Applications must include proof of U.S. citizenship of applicants, founding board members, school

leadership and key persons affiliated with any education service provider that is to be used. In addition, charter school applications must include the school's plans for providing transportation, which must be included in the terms of the school's charter. A charter school may contract with the local school district or private provider for transportation services.

An application to convert an existing public school to charter status must be supported by a petition signed by a majority of the school's teachers, local school board or parents of the school's students.

The bill authorizes a charter school to be operated by an education service provider, which is a charter management organization. An application for a charter school that intends to contract with an education service provider must include evidence of the provider's track record of success in serving similar student populations. An education service provider, as well as each charter school, must be a nonprofit education organization.

Within 180 days after receiving a charter application, the authorizer must approve or deny it. Applications received from public historically black colleges and universities (HBCUs), however, must be considered for expedited approval. If an application is denied, the authorizer must state its reason for the denial.

An initial charter shall be granted to a qualified applicant for a term of 5 years. The charter contract governing the school shall set forth the academic and operational expectations by which the authorizer shall measure the school's performance. The authorizer must monitor the school's performance and legal compliance annually. If a school's performance or legal compliance is deemed unsatisfactory, the authorizer must notify the charter school of the problem and

provide the school with a reasonable opportunity to remedy the problem unless revocation of the charter is warranted.

A charter may be renewed for a successive 5-year term. The authorizer may require improvements as part of the renewal process and may lessen the contract renewal term based on a particular school's circumstances.

The bill provides specific circumstances under which the authorizer may revoke or deny the renewal of a charter. The revocation and nonrenewal process must provide an opportunity for the charter school to respond to the notice of nonrenewal or revocation and to submit documentation in support of the school's continuation. The authorizer is prohibited from renewing the charter of any school that is designated an "F" school during the school's final operating year under the charter's term.

If a charter school is to be closed, the authorizer must develop a charter school closure protocol in order to provide for the orderly transition of students and their records to new schools. The bill provides that unspent government funds of a charter school that closes must revert to the school district in which the charter school is located, and unspent funds from nongovernmental sources must revert to the nonprofit entity created to operate the school.

Enrollment in a charter school shall be limited to those students residing in the geographical boundaries of the school district in which the charter school is located. While a charter school must be open to any student residing in the school district in which the school is located, a school district may not require any student to attend a charter school. If the school is a conversion charter school, students enrolled in the previously existing public school must be given an enrollment preference. The bill also authorizes other

enrollment preferences for certain students, including siblings of students already in the charter school and children of the school's governing board and full-time employees. If a charter school's capacity is insufficient to enroll all students desiring to attend the school, students must be selected through a lottery process. The underserved student composition of the charter school's enrollment collectively must reflect that of students of all ages attending the school district in which the school is located, which is considered at least 80% of such population. The term "underserved students" is defined as students participating in the federal free lunch program who qualify for at-risk student funding and students who are identified as having special educational needs.

Subject to the authorizer's approval, a charter school may contract with an accredited online course provider for virtual courses.

Charter schools are subject to the same student assessment and accountability requirements applicable to other public schools in the state. The bill requires all public schools throughout the state to accept credits earned by students in a Mississippi charter school.

The authorizer must annually report to the Governor, Legislature and public on the status of charter schools formed under HB 369, which report must include performance data on each charter school. The report also must include a comparison of the performance of charter school students with comparable student groups in the school district in which the charter school is located. In addition, the PEER Committee shall report annually on the funding of the authorizer and charter schools, making any suggested changes to state law necessary to strengthen the state's charter schools.

A charter school is not subject to the policies of the local school district in which the school is located. In addition, a charter school is not subject to the policies and regulations of the State Board of Education. Unless a particular statute is made applicable to charter schools, a charter school is exempt from the provisions of Title 37 that relate to the education of elementary and secondary education. However, Section 23 of the bill lists 25 specific statutes from which charter schools are not exempt. Charter schools must comply with all applicable federal laws, including provisions relating to teacher qualifications and the education of exceptional children.

Charter school administrators are exempt from state administrator licensure requirements. At the time a charter application is approved, up to 25% of the school's teachers may be exempt from state teacher licensure requirements. However, within 3 years, all teachers must have acquired state licensure. Charter school employees are not covered by the Education Employment Procedures Law and are not, by virtue of their employment in a charter school, members of the Public Employees' Retirement System. Charter school employees and members of the governing board and education service provider, if applicable, are subject to the same criminal history record checks and fingerprinting requirements as other public school employees.

State funding for charter schools shall be paid by the State Department of Education directly to each charter school for each student in average daily attendance in an amount equal to the state's share of the adequate education program for each student in the school district in which a charter school is located. Payments must be made at the same time and in the same manner as adequate education program payments are made to school districts. Local funding for a charter school shall be on a pro

rata basis and shall be transferred by the school district in which the charter school is located directly to the charter school in an amount equal to the ad valorem tax receipts and in-lieu payments received per pupil. School districts must transfer funds to a charter school within 3 business days after receiving the local funds from the tax collector. Charter schools may also receive gifts, donations and grants. The bill requires monies remaining in a charter school's accounts at the end of a budget year to remain in the charter school's accounts for use in subsequent school years. Each charter school must be audited annually.

HB 369 amends 57 different statutes to clarify the applicability of those statutes to charter schools. Relevant statutes that are amended, but which are not specific to education, include:

- Section 11-46-1, which is amended to extend coverage under the Tort Claims Act to charter schools.
- Section 25-41-3, which is amended to subject charter schools to the Open Meetings Laws.
- Section 25-61-3, which is amended to include charter schools under the Public Records Act.
- Section 31-7-1, which is amended to exempt charter schools from the public purchasing laws.

The New Start School Program established under Section 37-167-1 is not repealed or amended by the bill.

The Mississippi Charter Schools Act of 2013, which is specifically Sections 1 through 31 of HB 369, is subject to a repeal date of July 1, 2020.

HB 461. Effective on passage. Signed 3/20/13.

This bill repeals Sections 37-135-11, 37-135-13 and 37-135-15, which make up the Compact for Education, require the filing of copies of bylaws and amendments, and establish the Mississippi Education Council.

HB 672. Effective 7/1/13. Signed 3/21/13.

This bill amends Section 37-159-53, to increase the number of scholarships made available to eligible students under the Mississippi Dyslexia Education Scholarship Program administered under the Critical Needs Teacher Scholarship Program from 10 students to 20 students per cohort. Receipt of a scholarship under the program is conditioned upon the applicant having been accepted into a Dyslexia Therapy Master's Degree Cohort Program approved by the State Department of Education.

HB 716. Effective upon approval under the Voting Rights Act of 1965. Signed 4/25/13.

This bill provides for the consolidation of the Starkville Public School District and the Oktibbeha County School District into one district to be designated as the Starkville Consolidated School District.

The bill creates and establishes a seven-member advisory council to be known as the Commission on Starkville Consolidated School District Structure that shall be responsible for reviewing the current structure of both school districts and schools in Starkville, Mississippi, and in Oktibbeha County, Mississippi, and making recommendations on future actions of the provision and transition of service of the newly consolidated school district in order to improve both the quality of education and the efficiency, including: reviewing the capital facility needs of both school districts and recommending methods

of financing necessary improvements, including the possibility of pledging Mississippi Adequate Education Program funds for capital improvement purposes; detailing how best to implement consolidation and maximize education quality in Starkville and Oktibbeha County while eliminating duplicative and wasteful administrative spending; and recommending that portions of the Oktibbeha County School District be merged into districts in adjoining counties.

Under the provisions of this bill, the consolidation of the two school districts into the Starkville Consolidated School District will not take effect until July 1, 2015, at which time the central administrative offices of the new consolidated school district will be located in Starkville. Until the time that the consolidation becomes effective the Oktibbeha County School District will remain in conservatorship under the authority and control of the Mississippi Recovery School District of the State Department of Education.

The newly consolidated school district shall be designated as a countywide municipal separate school district and the board of trustees for the school district shall consist of the existing members of the Board of Trustees of the Starkville School District serving as a member on July 1, 2015. However, upon the first occurrence of a vacancy on the board as a result of an expired term of an appointed board member, that vacancy shall become an elected position and shall be filled by the election of a board member by the Oktibbeha County Board of Supervisors in the manner prescribed in Section 37-7-203(1) for the election of a member who resides outside of the incorporated municipal limits.

On July 1, 2015, following the motion of the State Board of Education to consolidate school districts in Oktibbeha County, the Oktibbeha County School District shall be abolished and all real and personal property owned or titled in the name of the school district shall be transferred to the Starkville Consolidated School District. The superintendent and assistant superintendent(s) of schools of the former Starkville School District shall continue to serve in like administrative capacities of the Starkville Consolidated School District, but the superintendent is limited to the appointment of no more than 3 assistant superintendents. No superintendent or trustee serving in the former school district located in the county designated as an underperforming school district or placed under conservatorship shall be eligible for appointment as superintendent or election as a trustee in the Starkville Consolidated School District.

For the initial 3 years following the administrative consolidation required by this section, the State Department of Education shall grant a waiver of accountability and state assessment requirements to the Starkville Consolidated School District for the student population enrolled therein from the former Oktibbeha County School District when determining the new consolidated school district accreditation level on the performance and accountability rating model.

The bill amends Section 37-7-103 to exempt the administrative consolidation of these school districts from the consent requirement that must be the local school board in a regular meeting to abolish the existing district, or to reorganize, change or alter the boundaries of any such district in the former school district.

HB 879. Effective 7/1/13. Signed 3/27/13.

This bill amends Section 37-15-29 to allow parents or legal guardians, who are active members of the United States Armed Forces or civilian military personnel and who reside on a military base, to enroll their children in any school district of the parent's or legal guardian's choosing, provided the school district where the student resides or in an adjacent school district and the parent's or guardian's choice of school district does not violate the prohibition on transporting students by bus in excess of 30 miles to or from home and school.

HB 896. Effective 7/1/13. Signed 4/25/13.

This bill establishes the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program, which may also be cited as the Nate Rogers Scholarship for Students with Disabilities Program, to provide a scholarship to a nonpublic school of choice, for students with an eligibility ruling of a speech-language impairment. Eligibility for receipt of the scholarship is automatic for students in kindergarten through Grade 6 who have been properly evaluated and received an eligibility ruling of speech-language impairment.

Parents or legal guardians may exercise the option to remove their child from a traditional public school setting to be enrolled in a nonpublic school which meets the standards for appropriate specific instruction designed to meet the unique learning needs of students with a speech-language impairment. A parent or legal guardian may request of the State Department Education in writing a scholarship within 30 days before the date of the first scholarship payment if the child has been accepted for admission as a student to an eligible nonpublic

school, and if, in the previous school year, the child attended a Mississippi public school or any other state accredited nonpublic special purpose school in the state organized to provide and emphasizes instruction in speech-language therapy and intervention as its primary purpose.

A child is not eligible for receipt of a scholarship under the program while enrolled in a school through the Department of Juvenile Justice commitment programs, participating in a homeschool education program, virtual school, correspondence school, or a distance learning program that receives state funding, and not having regular and direct contact with private school teachers at the school's physical location. The scholarship received remains in force until the student returns to a public school or completes Grade 6, whichever occurs first.

Each local school district is required to make an initial determination of whether a student has an eligibility ruling of speech-language impairment that qualifies under IDEA to receive services and funding under that program before proceeding to the development of a plan for each speech-language impaired student.

The bill establishes the maximum scholarship granted per eligible student at an amount equivalent to the Mississippi Adequate Education Program base student cost, with payments made by the department to nonpublic schools for each student at the nonpublic school equal to the state share of the adequate education program payments for each student in average daily attendance at the school district from which the student transferred. Participating nonpublic schools must report the number of students with speech-language impairment who are enrolled in nonpublic schools on the (Mississippi Speech-Language Therapy Scholarships) as of September 30 of each year to the department in order to determine funding for the following year. Parents who opt to remove a child from a public

school to a nonpublic special purpose school to receive a scholarship under this act are responsible for transportation expenses.

Further the bill requires each school district to adopt a policy to ensure that students will be screened for speech, language, voice and fluency disorders before the end of Grade 1, to notify the parent or legal guardian if the child fails the screener, and optionally perform a comprehensive speech-language evaluation. Parents are permitted to have a child reevaluated by a speech pathologist if the initial screener is failed, and that evaluation must be considered by the school district for eligibility purposes in accordance with the procedures mandated by the IDEA for a placement in a speech-language program within the current school or to receive a Mississippi Speech-Language Therapy Scholarship.

A nonpublic school, in order to be eligible to participate in the scholarship program must: be a state-accredited nonpublic special purpose school in the state organized to provide and emphasize instruction in speech-language therapy and intervention as the primary purpose; provide to the department all documentation required for a student's participation at least 30 days before the first quarterly scholarship payment is made for the student; be academically accountable for meeting the educational needs of the student; and maintain a physical location where a scholarship student regularly attends classes in the state.

The department must publicize information regarding the Mississippi Speech-Language Therapy Scholarship on its official website and annually report, by December 15, its actions with respect to implementing accountability in the scholarship program and any substantiated allegations or violations. The State Board of Education, in conjunction with each participating

nonpublic school, may make modifications to the length of the school day or scholastic year, development and establishment of curriculum, and the selection and purchase of textbooks and other instructional materials.

Each school providing instruction to children with speech-language impairment must: certify to the State Department of Education its student enrollment in the same manner as local school districts; comply with all reporting requirements to receive equitable calculation and disbursement of all state categorical aid program dollars; adhere to generally accepted accounting principles; annually have its financial records audited by the State Auditor at the end of each fiscal year.

HB 975. Effective upon approval under the Voting Rights Act of 1965. Signed 3/11/13.

This bill amends Sections 37-17-13, 37-5-19 and 37-7-207 to provide the Governor the authority to set a date for a special election for the purpose of electing members to the board of trustees for any school district that has been placed under conservatorship where there are no remaining members of the board at the time of the reorganization or reconstitution of the school district. The special election shall be conducted by the county election commission.

ELECTIONS

SB 2238. Effective upon preclearance under the Voting Rights Act of 1965. Signed 3/20/13.

This bill authorizes commissioners of election to receive a per diem in the amount of \$150.00, to be paid from the county general fund, for the performance of their duties on the day of any general or special election.

Current law limits the number of days per year that a commissioner of election may receive per diem in the performance of their duties based on the population of their county. The annual limitations apply to the days for which per diem is authorized by this bill.

SB 2239. Effective upon preclearance under the Voting Rights Act of 1965. Signed 3/18/13.

Current law provides that the manager or other person who carries to the place of voting, away from the courthouse, the official ballots, ballot boxes, pollbooks and other necessities, shall be paid \$10.00 for each voting precinct. The manager or other person who acts as returning officer is paid \$10.00 for each voting precinct for that service.

This bill provides that if a person who performs the above duties utilizes a privately owned motor vehicle to perform them, he or she shall receive, for each mile actually and necessarily traveled in excess of 10 miles, the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel.

SB 2308. Effective upon preclearance under the Voting Rights Act of 1965. Signed 3/27/13.

Current law provides that a commissioner of election may be a candidate for any other office at any election held or to be held during the four-year term for which he or she has been elected to the office of commissioner of election if the commissioner of election resigns before January 1 of the year in which he or she intends to seek the office, except in the case of a special election, in which case the commissioner of election must resign within 10 days after the notice of the special election.

This bill provides that a commissioner of election may be a candidate for any other office during his four-year term provided that he or she has resigned from the office of election commissioner before he or she qualifies for the office which he or she desires to seek.

SB 2311. Effective upon preclearance under the Voting Rights Act of 1965. Signed 3/25/13.

Under current law county commissioners of election may perform the duties of an executive committee with regard to the conduct of a primary election under a written agreement entered into with an executive committee. This bill authorizes county commissioners of election who conduct a primary election under such a written agreement to receive per diem in the amount of \$84.00 for conducting the election.

Current law limits the days that a county commissioner of election may be compensated based on the population of the county in which the election commission is located. This bill provides that the days that county commissioners of election are employed in the conduct of a primary election are treated the same as days county commissioners of election are employed in the conduct of other elections.

HB 275. Effective upon approval of the Voting Rights of 1965. Signed 3/20/13.

This bill prohibits any person who has been convicted of a criminal violation of the Mississippi Election Code, has been convicted of an election crime contained in Chapter 13, Title 97, Mississippi Code of 1972, has been removed from public office pursuant to Section 25-5-1, or who has resigned from office as part of a plea agreement, from serving on any temporary municipal executive committee, municipal executive committee, temporary county executive committee, county executive committee or state executive committee.

The bill also requires each county executive committee chairman to publish a copy of his call for a meeting in some newspaper that is published at least once per week in the municipality affected for 3 weeks preceding the date set for the mass convention, or if there be no newspaper published in the municipality, then in some newspaper having general circulation in the municipality and by posting notices continuously in 3 public places in the municipality.

HB 533. Effective upon approval of the Voting Rights Act of 1965. Signed 3/20/13.

This bill provides the procedure for filing an election contest for a primary election. It provides that any candidate who wishes to challenge another candidate for any office elected at a general election, must file a petition specifically setting forth the grounds of the challenge not later than 31 days after the date of the first primary election set forth in Section 23-15-191. The petition must be filed with the same body with whom the candidate in question qualified pursuant to Section 23-15-359.

HB 649. Effective upon approval of the Voting Rights Act of 1965. Signed 3/21/13.

This bill clarifies the procedure that is necessary after a candidate files a petition for an election contest for any election within the county. The bill provides that when such a petition is filed, the circuit clerk must immediately notify, by registered letter, telegraph, telephone, or personally, the Chief Justice of the Supreme Court or in his absence, or disability, some other justice of the Supreme Court, who designates and notifies a circuit judge or chancellor of a district other than that which embraces the district, subdistrict, county or any of the counties, involved in the contest or complaint, to proceed to the county in which the contest or complaint has been filed to hear and determine the contest or complaint. The circuit clerk must also serve a copy of the petition upon the contestee, which shall serve as notice to the contestee.

The Supreme Court is required to compile a list of judges throughout the state to hear such disputes before an election. It is the official duty of the designated circuit judge or

chancellor to proceed to discharge the duty of hearing the contest at the earliest possible date. The date of the contest is fixed by the judge or chancellor, and the judge or chancellor must provide reasonable notice to the contestant and the contestee of the date and time fixed for the contest. When the contestee is served, he or she must promptly file his answer, and cross-complaint, if the contestee has a cross-complaint.

ENERGY

SB 2231. Effective on passage. Signed 3/7/13.

SB 2231 removes the authority of the Public Service Commission to regulate the rates of utilities when more than one utility, including co-operatives, operate within a municipality.

SB 2564. Effective 7/1/13. Signed 4/24/13.

SB 2564 revises the Energy Infrastructure Revolving Loan Program. It revises the definition of the term "Project" to mean a facility constructed after July 1, 2012, with a capital investment from private sources of not less than \$50,000,000.00. The bill also allows the fund to be used for making a contribution in aid of construction to an energy-providing utility or cooperative for an energy infrastructure project.

SB 2567. Effective 7/1/13. Signed 3/12/13.

SB 2567 extends the repealer until December 31, 2016, on the provisions of law that create the Public Service Commission and prescribe its powers and duties. SB 2567 also extends the repealer until July 1, 2016, on the section which authorizes the commission and the Public Utilities Staff to hire attorneys and consultants for certain proceedings.

SB 2787. Effective 7/1/13. Signed 3/7/13.

SB 2787 extends the repealer until July 1, 2017, on the Mississippi Telephone Solicitation Act.

HB 508. See summary under Universities and Colleges heading.

HB 894. Effective on passage. Signed 2/26/13.

HB 894 creates new code Section 77-3-106, which authorizes the Public Service Commission to approve a multiyear new generation rate recovery plan, also known as a "rate mitigation plan" pertaining to the alternate method of cost recovery on certain base load generation. Before the commission may approve a rate mitigation plan that is submitted by a generating facility that is owned, in whole or in part, by an electric public utility whose rates are under the jurisdiction of the commission, the commission:

- Shall include a finding establishing the initially approved rate base;
- Shall consider and evaluate the revenues, costs, rate base and returns applicable over the entire rate mitigation period; and
- Shall, for the rate mitigation period, allow recovery of a return, not to exceed the weighted cost of capital rate of return approved in the rate mitigation plan, on the balance of any unrecovered or deferred amounts accrued pursuant to the rate mitigation plan for the account of either the electric public utility or the electric public utility's retail customers during the rate mitigation period.

HB 1080. Effective 7/1/13. Signed 3/20/13.

HB 1080 extends to July 1, 2016, the date of the repealers on the statutes that require minimum standards of training for emergency telecommunicators and provides for a telephone subscriber service charge to fund the minimum standards training program for those telecommunicators.

HB 1134. Effective on passage. Signed 2/26/13.

HB 1134 creates the Mississippi Public Utility Rate Mitigation and Reduction Act. The purpose of the act is to provide a method whereby the Public Service Commission must enter a financing order that authorizes the issuance of rate reduction bonds by an electric public utility. The proceeds of the rate reduction bonds are required to be used to recover, finance or refinance generation facility costs and financing costs for certain newly constructed base load electric generating facilities that use coal gasification or clean coal technology. The bill further provides for the implementation or adjustment of a rate reduction bond charge, and it also provides that the rate reduction bonds shall not constitute a debt or a pledge of the faith and credit or taxing power of the State of Mississippi.

HB 1161. See summary under Agriculture heading.

HB 1266. Effective 7/1/13. Signed 4/23/13.

HB 1266 amends Section 31-11-35 by revising the standards that major facility projects are to meet during design and construction. Specifically, the projects are to be designed and constructed to meet or exceed the requirements of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) 90.1-2010 Standard or any more stringent code adopted by the Bureau of Building, Grounds and Real Property Management and the Department of Finance and Administration (DFA). Previously, the projects had to be designed using energy conservation guides in a certain percentage range that were adopted by DFA if DFA determined that it would be cost-effective.

HB 1281. Effective 7/1/13. Signed 4/23/13.

HB 1281 amends Section 57-39-21 to require the Mississippi Development Authority (MDA) to review, amend and adopt, in accordance with Standard 90.1-2010 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE), energy code standards for building construction for primarily commercial buildings. Previously, MDA was required to develop efficient use of energy standards based on certain federal standards.

Next, the bill clarifies that MDA shall not have enforcement over energy efficiency standards for the buildings but such enforcement lies with the local governing authorities. Finally, the bill increased the inspection fee from \$50.00 to \$150.00 that local governing authorities may establish for the inspection of certain energy efficiency standards.

HB 1296. Effective 7/1/13. Signed 4/23/13.

HB 1296 creates the Mississippi Energy Sustainability and Development Act. More specifically, the bill provides the following:

- Names the Mississippi Development Authority (MDA) as the agency responsible for evaluating the state's energy needs as well as energy availability.

- Declares the powers and duties of the MDA Energy and Natural Resources Division (MDA ENR) which are:

- ▶ Promoting the state as a leader in energy development, job creation and research;
 - ▶ Contributing to energy-related economic development;
 - ▶ Promoting energy efficiency;
 - ▶ Preparing a Mississippi Energy Plan and State Energy Management Plan;

- ▶ Developing strategic plans;
- ▶ Collecting and analyzing energy-related data for the purposes of development;
- ▶ Promoting renewable energy opportunities; and
- ▶ Serving as the State Energy Office for the State of Mississippi.

- Requires, if needed, MDA ENR to establish a state program to administer the State Petroleum Set-Aside Program and to provide assistance in obtaining adjustments specified in orders issued by the Federal Energy Office.

- Provides the specifics of what must be included in the Mississippi Energy Plan which include:

- ▶ Efforts to promote the state as a leader in energy development, job creation and research;
- ▶ Plans to encourage the safe and responsible exploration and extraction of the state's natural resources;
- ▶ Plans to add value and sustain resources through advances in manufacturing, conversion and processing;
- ▶ Expanding energy capacity and realizing savings through energy efficiency;
- ▶ Encouraging investing in energy infrastructure;
- ▶ Plans to ensure the state's competitiveness in energy-related research, development and commercialization;
- ▶ Preparing a 21st Century energy workforce; and
- ▶ Statewide forecasts of energy needs and deficiencies.

- Tasks MDA ENR with the development of the State Energy Management Plan for state-owned and operated facilities in coordination with DFA Bureau of Building, Grounds and Real Property Management. The plan must include the following:

- ▶ A gathering of energy-related data from state agencies, state institutions of higher learning, and community and junior colleges;

- ▶ Benchmarking of energy consumption and costs; and

- ▶ Use of a central system to aggregate and track energy consumption data.

The State Energy Management Plan also requires that an advisory board be formed that is comprised of designees from the following: Board of Trustees of State Institutions of Higher Learning, the Community College Board, the Department of Education, and DFA, which shall assist in the development of the plan. The plan also requires all state agencies with buildings on the DFA inventory of bundling as well as institutions of higher learning and community and junior colleges (also known as covered entities) to submit certain energy consumption data. Funding for certain energy conservation funds may not be received if a covered entity does not make the required submission and if MDA ENR determines such ineligibility.

Additionally, the bill provides that by September 1 of each year MDA ENR shall report the energy consumption of covered entities to the Legislature and the Governor. The bill also requires covered entities to submit a detailed energy management plan to MDA ENR by November 1, 2014, and every subsequent 5 years.

The bill also modifies the Energy Development Fund to allow existing funds to be used to promote the state's energy sources. Further, the bill requires MDA ENR to provide technical assistance to the Mississippi Department of Education so that the department can assist local school districts in developing a detailed energy management plan for school districts.

Finally, the bill requires MDA ENR to compile, analyze and disseminate data related to energy resources within the state, including, but not limited to, biomass feed stocks, energy infrastructures and energy production capacity, and it requires MDA ENR to prepare and produce white paper and other documents designed to promote Mississippi as a leader in the energy sector.

HB 1685. Effective 7/1/13. Signed 4/23/13.

HB 1685 creates the Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund. The Mississippi Development Authority will use monies in the fund for the purpose of establishing a revolving loan program to provide loans to public school districts and municipalities to assist in paying costs incurred for the purchase of alternative fuel school buses and alternative fuel motor vehicles, the conversion of school buses and motor vehicles to utilize alternative fuels and for alternative fuel systems and alternative fuel system equipment and facilities. The bill authorizes the issuance of \$2,750,000.00 of state general obligation bonds to provide funds for the revolving loan program. "Alternative fuel" is compressed natural gas and liquefied natural gas, as defined in Section 27-59-3, and propane fuel when used as a fuel in a motor vehicle or motor vehicles on the highways of the state.

HB 1698. Effective 7/1/13. Signed 4/23/13.

HB 1698 reduces the severance tax on oil and natural gas produced from horizontally drilled wells or horizontally drilled recompletion wells from which production commences from and after July 1, 2013. For the purposes of the bill:

- "Horizontally drilled well" means a well in which the deviation of the borehole is at least 80° from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least 1,000 feet of lateral penetration through productive reservoirs.

- "Horizontally drilled recompletion well" means an existing well in which the deviation of the borehole is at least 80° from vertical so that the borehole penetrates a productive formation in a manner parallel to the formation and in which there is at least 1,000 feet of lateral penetration through productive reservoirs.

First, the bill reduces the rate of the severance tax to 1.3% of the value of the oil or gas at the point of production for a period of 30 months beginning on the date of first sale of production or until payout of the well cost is achieved, whichever first occurs. Payout of such a well will occur the first day of the next month after gross revenues, less royalties and severance taxes, equal to the cost to drill, complete and operate the well. The operator of a well must apply by letter to the State Oil and Gas Board for the reduced severance tax rate and must provide the board with the status of payout on a semiannual basis of any horizontally drilled well or horizontally drilled recompletion well by signed affidavit executed by a company representative.

Next, the provisions of law providing for the reduced rate of tax shall be repealed on July 1, 2018. However, a well from which production commences before July 1, 2018, shall be taxed at the reduced rate provided before the repeal date. The tax collected from the production of a horizontally drilled well or horizontally drilled recompletion well shall be apportioned to the county in which the oil or gas is produced.

Lastly, the bill provides that a county may, by resolution spread upon its minutes, enter into a road maintenance agreement with a taxpayer that is eligible for the reduced severance tax.

ENVIRONMENT PROT, CONS AND WATER RES

SB 2674. Effective 7/1/13. Signed 3/25/13.

SB 2674 amends Section 51-35-307 to make technical revisions to the urban flood control law providing for the establishment of the Rankin-Hinds Pearl River Flood and Drainage Control District. Section 51-35-315 is amended to require the district to make its purchases pursuant to state purchasing laws. The status of the district is clarified as a political subdivision and sand and gravel are not classified as minerals. Section 51-35-317 is amended to delete the requirement that directors reside or be a property owner in the district. Section 51-35-319 is amended to require the district to let construction contracts pursuant to state purchasing and bid laws. Section 51-35-325 is amended to provide that any bonds issued shall be revenue bonds and provides for a referendum on the issuance of revenue bonds.

SB 2688. Effective on passage. Signed 3/14/13.

SB 2688 amends Section 49-17-509 to comply with federal requirements by removing the provision that allowed the owner of a home to opt out of lead-based renovation requirements if the owner signed a statement that children and pregnant women were not living at the home.

SB 2754. Effective 7/1/13. Signed 3/18/13.

SB 2754 requires the Mississippi Department of Environmental Quality to maintain a directory of certified electronic recyclers of e-waste that meet national accreditation standards. State agencies are required to use certified e-waste recyclers on the directory when disposing agency electronics. The compliance date for the department and agencies is July 1, 2014. The bill does not apply to donations of electronics to public schools, state agencies, local governments and nonprofit organizations.

FINANCE

SB 2111. Effective 7/1/13. Signed 3/18/13.

Under current law, the notice of the expiration of the time of redemption with respect to land sold at a tax sale to a resident of this state who is the owner of the property must be accomplished by personal service on the owner, mailing of a copy of the notice to the owner and by publishing the name and address of the owner in a newspaper. All 3 methods must be accomplished for the notice to be effective.

This bill provides that:

- The notice must be served upon the owner if he can be found in the county after diligent search and inquiry.
- If the owner cannot be found after diligent search and inquiry, then notice may be served upon him by leaving a true copy of the notice at his usual place of abode with his spouse or some other person who lives at his usual place of abode who is above the age of 16 and willing to receive the copy of the notice.
- If the owner cannot be found after diligent search and inquiry, and if no person above the age of 16 years who lives at his usual place of abode can be found at his usual place of abode who is willing to receive the copy of the notice, then notice may be served upon him by posting a true copy of the notice on a door of the reputed owner's usual place of abode.

Notice must still be mailed to the owner and the name and address of the owner must still be published in a newspaper.

Under current law the sheriff is allowed a fee of \$4.00 for serving the notice. This bill increases that fee to \$35.00.

SB 2147. Effective 7/1/13. Signed 4/3/13.

The Economic Redevelopment Act passed in 2005 and established an incentive program administered by MDA for the purpose of encouraging economic development in certain areas where environmentally contaminated sites are located. The act allowed a county or municipality to apply to MDA for the incentive during the period from January 1, 2005, through December 31, 2009. Certain state taxes collected from business enterprises located in the redevelopment area are required to be deposited into a fund and a certain amount is paid to the business enterprise; however, the total aggregate amount of incentive payments may not exceed 2-1/2 times the amount of allowable cost of remediation of the contaminated site as jointly determined by DEQ and MDA.

Under current law a "contaminated site" is defined as real property that is subject to a bankruptcy court order in which the property has been abandoned from the bankruptcy estate and the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. This bill modifies the definition of contaminated site to include brownfield property that is subject to a brownfield agreement under Section 49-35-11.

This bill also removes the December 31, 2009, cut-off date for applications under the act.

The bill revises a provision in current law that provides that payments under the act cease being made to a developer 10 years from the date that is 2 years after the date on which the redevelopment project is approved by MDA. The bill increases the 10-year period to 15 years.

SB 2244. Effective 7/1/13. Signed 4/18/13.

This bill exempts from sales taxation the following:

- Sales by producers of honey bees or other products of an apiary when the products are sold in the original state or condition of preparation for sale before they are subjected to any other process within a class of business or sold by a producer through an established store.

- The gross proceeds of sales of tangible personal property made for the sole purpose of raising funds for a school or an organization affiliated with a school. The bill defines a "school" as any public or private school that teaches courses of instruction to students in any grade from Kindergarten through Grade 12.

- Sales of durable medical equipment and home medical supplies when ordered or prescribed by a licensed physician for medical purposes of a patient, and when payment for the equipment or supplies is made, in part or in whole, on behalf of or for the benefit of an insured as a covered benefit under an insurance policy, contract or plan. "Durable medical equipment" means equipment, including repair and replacement parts for the equipment, which:

- ▶ Can withstand repeated use;
- ▶ Is primarily and customarily used to serve a medical purpose;
- ▶ Generally is not useful to a person in the absence of illness or injury; and
- ▶ Is not worn in or on the body.

- Sales of tangible personal property or services to Mississippi Blood Services.

SB 2405. Effective 10/1/13. Signed 4/3/13.

Under current law a constable is responsible for both the employer and employee share of contributions on his net fee income.

This bill provides that, for contributions required for calendar year 2014 and any calendar year thereafter, the county may elect, by majority vote of the board of supervisors spread upon its minutes, to be responsible for the employer share of contributions on the net fee income of its constables. If the county elects to be responsible for employer contributions under this provision, the election shall be irrevocable until the board of supervisors takes office for the next succeeding term of office at which time the board may elect whether to continue the election. Notice must be given to the Executive Director of the Public Employees' Retirement System of any election made under this provision within 5 days after the election is made.

SB 2436. Effective 7/1/13. Signed 3/20/13.

One of the many programs in the Emerging Crops Fund is a program administered by MDA that provides loans to agribusiness or greenhouse horticulture enterprises to encourage the extension of conventional financing to these enterprises. The loans cannot exceed 20% of the project for which the financing is sought or \$200,000.00, whichever is less. Prior to 2011, this program also included separate loan provisions that authorized MDA to make loans to agribusiness enterprise engaged in poultry production operations for upgrades, renovations, repairs and other improvements to their equipment not to exceed \$200,000.00 and the amount of a loan for the retrofitting of poultry houses could not exceed 30% of the cost of the project.

During the 2011 Regular Session, this provision was amended to remove the specific provisions for agribusiness enterprises engaged in poultry production and a provision was added that provided that the maximum aggregate amount of loans made under this provision to any one agribusiness cannot exceed \$400,000.00. The maximum amount of any single loan was not changed. The 2011 legislation also provided that the law would revert back to the law as it existed prior to the 2011 legislation on July 1, 2013. This date was extended until July 1, 2014, during the 2012 Regular Session.

This bill removes the reversionary language so that the provisions in the 2011 legislation will not automatically be changed to the law as it existed prior to 2011.

SB 2462. See summary under Economic Development heading.

SB 2463. See summary under Tourism heading.

SB 2536. Effective on passage. Signed 3/7/13.

This bill clarifies the date upon which the ad valorem tax exemption granted by local governments for licensed free port warehouses takes effect. Specifically, the bill provides that the exemption is effective as of the first calendar day of the taxable year in which the warehouse applied for the exemption by virtue of submitting the application for licensure, and remains in effect for such period of time as the respective governing authority may prescribe.

SB 2564. See summary under Energy heading.

SB 2700. Effective on passage. Signed 4/3/13.

During the 2002 Regular Session, general obligation bonds in the amount of \$10,000,000.00 were authorized to be issued for the purpose of paying the costs of acquisition, reclamation and preservation of Deer Island. The bonds were issued and placed in the Deer Island Acquisition, Reclamation and Preservation Fund. The law that establishes the fund provides that if money in the special fund is not used within 5 years after the date the proceeds of the bonds are deposited into the fund, the Secretary of State must provide an accounting of the unused money to the State Bond Commission and the money will be used to pay the debt service on the bonds.

This bill provides that the accounting can be made by the Secretary of State either as provided in current law or 5 years after the effective date of this bill.

The bill also allows money in the fund to be utilized for the acquisition, reclamation and preservation of Cat Island.

SB 2728. Effective 7/1/13. Signed 3/18/13.

During the 2009 Regular Session legislation was adopted that authorized, among many other things, the issuance of general obligation bonds in the amount of \$1,000,000.00 for the University of Southern Mississippi to be utilized for Phase I of utilities and infrastructure and construction of new buildings at the Cross Creek Campus in Long Beach. This bill changes the purposes for which those bond proceeds may be utilized. This bill provides that the bond proceeds may be utilized for the purchase of a research vessel for the Gulf Coast Research Laboratory.

The 2009 bill that authorizes the issuance of the bonds provides that no bonds may be issued after July 1, 2013. This bill changes that date to July 1, 2015.

SB 2806. Effective 7/1/13. Signed 2/26/13.

The tourism project sales tax incentive program is administered by the Mississippi Development Authority. The program provides a rebate to certain tourism projects of the amount of sales tax collected at a project until the earlier of:

- The date that 30% of the approved project costs incurred by a participant has been paid to the participant; or
- 10 years after the date the tourism project opens for commercial operation.

This bill includes cultural retail attractions within the definition of the term "tourism project" under the tourism project sales tax incentive program.

Under the bill a "cultural retail attraction" is defined as a project which combines destination shopping with cultural or historical interpretive elements specific to Mississippi with a minimum private investment of \$50,000,000.00 in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority and which:

- Is located in a "qualified resort area" as defined under the Local Option Alcoholic Beverage Control Law;
- Is a part of a master-planned development with a total investment of not less than \$100,000,000.00 in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority;

- Has a minimum of 50 retail tenants with a minimum of 300,000 square feet of heated and cooled space; and
- Has a minimum investment of \$1,000,000.00 in one or more of the following:
 - ▶ Art created by Mississippi artists or portraying themes specific to Mississippi;
 - ▶ Memorabilia, signage or historical markers which serve to promote the State of Mississippi;
 - ▶ Audio/visual equipment used to showcase Mississippi artists;
 - ▶ A minimum of 1,250 square feet of heated and cooled space available to the Mississippi Development Authority or its assignee for a period of not less than 10 years.

SB 2816. Effective 7/1/13. Signed 3/20/13.

Under the Homestead Exemption Law there are two definitions of the term "home" or "homestead" that interact to produce an unintended result. These provisions define a dwelling and the eligible land on which it is located is defined as a "home" or "homestead":

- If the property is owned by a person who is physically or mentally unable to care for himself and confined in an institution for treatment unless the home is excluded under other provisions of this article (this exemption is available for a period of 10 years from the day of confinement); and
- If the property is under a lease or sublease of 25 years or more actually occupied as the home or homestead of a family or person as defined in this article.

Some nursing homes are leasing space in their facilities for life terms to residents of the nursing home who own homes

that are eligible for homestead and inducing the lessee to agree to give their homestead exemption rights to the nursing home. The lessee loses the homestead exemption on their home and the homestead exemption benefits the nursing home facility.

This bill provides that the 25-year lease or sublease provision does not apply to a lease between a person who is physically or mentally unable to care for himself and the institution in which the person is confined.

SB 2829. Effective 7/1/13. Signed 3/25/13.

In 2003, legislation was enacted that:

- Exempted sales of equipment to telecommunication enterprises after June 30, 2003, and before July 1, 2013, that is used in the deployment of broadband technologies in Tier 2 and Tier 3 counties, and exempted the equipment from 1/2 of the sales tax on equipment employed in Tier 1 counties; and
- Exempted from ad valorem taxation equipment used in the deployment of broadband technologies placed in service after June 30, 2003, and before July 1, 2013, for a period of 10 years after the date the equipment was placed in service.

This bill changes the July 1, 2013, date to July 1, 2022.

SB 2833. Effective 1/1/13. Signed 3/25/13.

Current law authorizes an income tax credit in the amount of the qualified adoption expenses paid or incurred, not to exceed \$2,500.00, for each dependent child legally adopted by a taxpayer. The credit may be carried forward for the 3 succeeding tax years. The credit is not allowed under this section during the same taxable year for which an exemption is claimed for the adopted child.

This bill allows the credit to be taken in the same year that the child is claimed as an exemption.

SB 2847. Effective 7/1/13. Signed 3/20/13.

This bill exempts from excise taxation for a period of 12 months after the date service is established, special fuel sold to be consumed as fuel by planes used by a commercial airline for:

- New interstate air service offered by a new carrier in the market;
 - Interstate service to a new city by an existing airline;
- or
- Additional interstate service to a city already served by a commercial airline.

SB 2913. Section 38 is effective on July 1, 2013; the remainder takes effect on passage. Signed 4/25/13.

This bill authorizes the issuance of state general obligation bonds for state institutions of higher learning to pay the costs of capital improvements, renovation and/or repair of existing facilities, furnishings and/or equipping facilities for public facilities as follows:

NAME	PROJECT	AMOUNT ALLOCATED
Alcorn State University.....		\$ 400,000.00
	Preplanning for construction, furnishing and equipping of a new Academic Technology Building and related facilities.....	\$ 400,000.00
Delta State University.....		\$ 2,000,000.00
	Extension and expansion of campus mechanical loop and related facilities.....	\$ 2,000,000.00
Jackson State University.....		\$ 8,500,000.00
	Phase II of repair and renovation of Alexander Hall and related facilities.....	\$ 8,500,000.00
Mississippi University for Women.....		\$ 5,100,000.00
	Phase II of repair, renovation furnishing, equipping and expansion of and additions to Fant Memorial Library.....	\$ 5,100,000.00
Mississippi State University.....		\$10,000,000.00
	Repair and renovation of the historic YMCA building and related facilities.....	\$ 9,800,000.00
	Preplanning for repair, renovation and expansion of and additions to Mitchell Memorial Library.....	\$ 200,000.00
Mississippi State University/Division of Agriculture, Forestry and Veterinary Medicine.....		\$ 7,500,000.00
	Construction, furnishing and	

equipping of the Animal Life Sciences Initiative at the Leveck Animal Research Center.....	\$ 7,500,000.00
Mississippi Valley State University.....	\$ 6,000,000.00
Phase II of repair, renovation, furnishing, equipping and expansion of the R.W. Harrison Complex.....	\$ 6,000,000.00
University of Mississippi.....	\$ 6,000,000.00
Repair and renovation of the Music Building and Meek Hall.....	\$ 6,000,000.00
University of Mississippi Medical Center.....	\$31,000,000.00
Phase I of construction, furnishing and equipping of a new School of Medicine classroom building...	\$31,000,000.00
University of Southern Mississippi.....	\$20,000,000.00
Construction, furnishing and equipping of a new building and related facilities to house the School of Nursing...	\$20,000,000.00
TOTAL.....	\$96,500,000.00

The bill states that it is the intent of the Legislature to authorize the issuance of general obligation bonds during the 2014 and 2015 Regular Sessions for the capital needs of state institutions of higher learning as recommended by the Department of Finance and Administration in reports submitted to the Senate Finance Committee and the House Ways and Means Committee.

The bill authorizes the issuance of state general obligation bonds to pay the costs of acquisition of real property, construction of new facilities, equipping and

furnishing facilities, including furniture and technology equipment and infrastructure, and addition to or renovation of existing facilities for community and junior college campuses as recommended by the Mississippi Community College Board as follows:

Coahoma.....	\$ 1,234,203.00
Copiah-Lincoln.....	1,396,966.00
East Central.....	1,252,104.00
East Mississippi.....	1,577,354.00
Hinds.....	2,797,195.00
Holmes.....	1,803,856.00
Itawamba.....	1,977,372.00
Jones.....	1,613,546.00
Meridian.....	1,418,026.00
Mississippi Delta.....	1,358,169.00
Mississippi Gulf Coast.....	2,341,475.00
Northeast Mississippi.....	1,397,242.00
Northwest Mississippi.....	2,078,651.00
Pearl River.....	1,588,051.00
Southwest Mississippi.....	1,165,790.00
GRAND TOTAL.....	\$ 25,000,000.00

The bill authorizes the issuance of state general obligation bonds as follows:

Community Heritage Preservation Grant Fund.....	\$ 5,000,000.00
Mississippi Craft Center (to assist in paying costs associated with the repair and renovation of and upgrades and improvements).....	\$ 250,000.00
Jackson Zoo (to pay the costs of construction, repair, renovation, replacement and improvement of buildings, facilities, exhibits and infrastructure).....	\$ 1,000,000.00

Lovett Elementary School in Clinton (to assisting
 paying the costs of repairing damage that
 occurred as a result of a hailstorm on
 March 18, 2013).....\$ 500,000.00
 Mississippi Railroad Improvement Fund.....\$ 2,500,000.00
 GRAMMY® Museum (to assist in paying costs
 associated with the design, fabrication
 and installation of permanent exhibits,
 including the development of all associated
 films and interactive components).....\$ 3,000,000.00
 Marty Stuart Center and Congress of Country
 Music Hall (to pay the costs of constructing,
 furnishing and equipping the center).....\$ 1,000,000.00
 Cotesworth Culture and Heritage Center (to pay
 the costs of repairing, renovating
 and refurbishing the center).....\$ 2,000,000.00
 City of Ridgeland (to assist in paying costs
 associated with the widening of Lake Harbour
 Drive to 4 lanes with a center turn lane,
 from North Park Drive to U.S. Highway 51
 and costs associated with the construction
 of a multiuse trail along Lake Harbour
 Drive from North Park Drive to
 U.S. Highway 51).....\$ 1,000,000.00
 City of Jackson (to assist the city in
 paying costs associated with the repair
 and rehabilitation of the Woodrow Wilson
 Avenue Bridge).....\$ 1,000,000.00
 Children's Museum (to assist in paying costs
 associated with the repair and renovation
 of and upgrades and improvements to the
 museum).....\$ 750,000.00

City of Flowood (to assist in paying costs associated with the repair, rehabilitation, resurfacing and widening a portion of Mississippi Highway 25 in the city).....\$ 4,900,000.00

Rail Authority of East MS (to assist in paying costs incurred by the authority for an environmental impact study and a study to determine economic opportunities for Southeast Mississippi related to the wood pellet industry).....\$ 1,000,000.00

Thalia Mara Hall (to assist in paying costs associated with the repair and renovation of and upgrades and improvements to the hall, including, but not limited to, restroom improvements; heating, ventilation and air-conditioning improvements; and compliance with the Americans with Disabilities Act).....\$ 1,000,000.00

Maritime and Seafood Industry Museum (to pay the costs of reconstruction, repair and renovation of the museum).....\$ 1,000,000.00

New Capitol Building (to assist in paying costs associated with the repair and renovation of the New Capitol Building, including, but not limited to, roof repair and compliance with the Americans With Disabilities Act).....\$ 1,000,000.00

Mississippi Armed Forces Museum (to assist in paying costs associated with the repair and renovation of and upgrades and improvements to the museum).....\$ 2,000,000.00

East Mississippi State Hospital (to pay the costs of construction, furnishing and equipping of new psychiatric receiving units and related buildings and facilities at East Mississippi State Hospital).....\$10,350,000.00

Parham Bridges Park (to assist in paying costs associated with upgrades and improvements to the park, including, but not limited to, a new entry and expansion of the walking trail).....\$ 100,000.00

ACE Fund.....\$10,000,000.00

Mississippi Jobs Protection Act Fund.....\$ 3,000,000.00

Rural Impact Fund.....\$ 1,700,000.00

Mississippi Development Authority Workforce Training Fund.....\$ 4,000,000.00

Jackson County Port Authority (to assist in paying the costs of upgrading facilities at the Port of Pascagoula).....\$10,000,000.00

Small Municipalities and Limited Population Counties Fund.....\$ 5,000,000.00

Mississippi Business Investment Act (development infrastructure grant program).....\$10,000,000.00

Mississippi Major Economic Impact Act (for Base Realignment and Closure).....\$ 2,000,000.00

Local Governments and Rural Water Systems Revolving Loan & Grant Program.....\$ 1,000,000.00

Water Pollution Control Revolving Fund.....\$ 1,000,000.00

During the 2011 Regular Session, the North Central Railroad Authority Grant Fund was created and general obligation bonds in the amount of \$15,000,000.00 were authorized to be issued for the fund. Money in the fund is to be used as a grant by the Mississippi Development Authority to the North Central

Mississippi Regional Railroad Authority to pay a portion of the costs incurred by the authority for the repair, reconstruction and improvement of the existing railroad line from the City of West Point, Mississippi, to Greenwood, Mississippi. The 2010 legislation required matching funds in the amount of \$65,000,000.00 to be provided in order for the bonds to be issued. This bill allows MDA to waive the matching fund requirement for any new economic development project that locates a new industry along or near that section of railroad line after January 1, 2013, with a capital investment of not less than \$100,000,000.00 which will create at least 100 full-time jobs with an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least \$35,000.00, and for which construction begins not later than July 1, 2016.

During the 2011 Regular Session, general obligation bonds were authorized in the amount of \$4,500,000.00 for the Department of Medicaid to implement an information management system, and in the amount of \$3,000,000.00 for the Department of Public Safety to preplan construction of a headquarters building in Rankin County. This bill removes the authority to issue bonds for the Medicaid information management system and reduces the amount authorized for the Department of Public Safety by \$1,500,000.00. The Division of Medicaid has not requested the issuance of the bonds for the information management system and the preplanning of the headquarters building for the Department of Public Safety required only half of the bonds authorized.

During the 2011 Regular Session, general obligation bonds in the amount of \$10,000,000.00 were authorized for the Camp Shelby Access Improvement Fund. The legislation requires money in the fund to be utilized for the reconstruction to interstate standards, U.S. Highway 49 from the South Gate of Camp Shelby to

U.S. Highway 98, and for the construction of interchanges at the North and South Gate. This bill revises the purposes for which the bonds may be utilized by providing that the bonds may be used for improvements to U.S. Highway 49 from 1 mile south of the South Gate of Camp Shelby to U.S. Highway 98.

During the 2003 Regular Session general obligation bonds in the amount of \$90,000,000.00 were authorized to be issued for the 2003 Chalmers Institute Repair and Renovation Fund. The legislation provided that the money in the fund was to be disbursed by the Department of Finance and Administration. This bill provides that the money in the fund will be disbursed by the Department of Archives and History.

The Mississippi Industry Incentive Financing Revolving Fund is a fund from which the Mississippi Development Authority is authorized to make grants or loans to local governments, including, but not limited to, counties, municipalities, industrial development authorities and economic development districts, and certain approved business enterprises to construct or otherwise provide facilities related to certain projects. If the MDA makes a loan from the fund, the repayments are deposited into the fund. This bill provides that repayments of loans made from the fund shall be deposited to the credit of the Mississippi Industry Incentive Financing Revolving Fund until the uncommitted balance in the fund reaches \$50,000,000.00. Once the uncommitted balance in the fund reaches \$50,000,000.00, repayments of loans under this section shall be deposited to the credit of Fund No. 3951 in the State Treasury to pay debt service on bonds until such time as the uncommitted balance in the fund falls below \$50,000,000.00. The MDA is required to notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the approval of any grant or loan application thirty (30)

days prior to the disbursement of any money for the loan or grant from the Mississippi Industry Incentive Financing Revolving Fund. The notification must identify the applicant and the purposes for which the loan or grant is made.

The bill provides that when a request for proposals for bond counsel for a general obligation or revenue bond issue is issued on behalf of the State Bond Commission, the request for proposals must be posted on the website of the Department of Finance and Administration and the State Treasurer. Once bond counsel is selected for a bond issue, the bill requires the name and address of the counsel selected to be posted on the website of the Department of Finance and Administration and the State Treasurer. The amount of any payments made to bond counsel for his or her services as bond counsel must be posted on the website of the Department of Finance and Administration and the State Treasurer.

Under current law, the Bond Advisory Division of the Department of Finance and Administration is required to maintain a complete record of the name and business address of any person, firm, corporation or other entity deriving any income for services performed with respect to any bonds issued by the State Bond Commission, State Development Bank, Mississippi Housing Finance Corporation, Certified Development Company of Mississippi, Inc., Mississippi Hospital Equipment and Facilities Authority or any other entity issuing bonds or notes of the State of Mississippi. The report is required to be made to the Clerk of the House of Representatives and to the Secretary of the Senate on or before January 15 of each year. This bill requires that, in addition to the Clerk of the House of Representatives and to the Secretary of the Senate, the report must be made available to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance

Committee. The bill requires the report to be posted on the Department of Finance and Administration's website by not later than January 15 of each year.

HB 117. Section 3 effective on passage and remainder effective 7/1/13. Signed 3/25/13.

This bill creates the Mississippi Development Authority Job Training Grant Fund. The fund will be administered by the Mississippi Development Authority (MDA) and used to make job training grants to community and junior colleges, public universities and local workforce investment areas to pay a portion of the costs of providing training or retraining for employees of business enterprises that are eligible for the jobs tax credit authorized in Section 57-73-21. A business enterprise that receives a job training grant is not eligible for the jobs tax credit authorized in Section 57-73-21. The election to receive a job training grant must be made by the business enterprise before the creation of any jobs.

The job training grant payments may be made during a five-year period beginning with years two through six after the creation of the minimum number of jobs required by the MDA. The amount of the grants authorized by this bill is 75% of the costs of training or retraining employees not to exceed:

- \$1,000.00 per job in counties designated as Tier One areas under Section 57-73-21;
- \$1,500.00 per job in counties designated as Tier Two areas under Section 57-73-21; and
- \$2,000.00 per job in counties designated as Tier Three areas under Section 57-73-21.

The MDA will cease making job training grant payments to a business enterprise if it determines the required number of jobs are not being maintained by the business enterprise. The business enterprise must enter into binding commitments with the MDA requiring that:

- A minimum number of jobs be maintained that shall not be less than the number of jobs required to be eligible for the jobs tax credit authorized in Section 57-73-21; and
- That if the minimum number of jobs are not maintained, all or a portion of the grant funds paid, as determined by the MDA, shall be repaid by the business enterprise.

The bill provides for the transfer of all money in the MMEIA Tax Incentive Fund to the Mississippi Development Authority Job Training Grant Fund and provides for the sales tax revenue diverted to the MMEIA Tax Incentive Fund under the prior law (\$150,000 per month) to be diverted to the Mississippi Development Authority Job Training Grant Fund.

The bill repeals the MMEIA Tax Incentive Fund program which was created as an incentive for the Toyota plant to locate in Mississippi. Under the program, money in the MMEIA Tax Incentive Fund was used to make incentive payments to an approved participant for an amount equal to 3-1/2% of the component construction material costs incurred to locate the project in the state. These costs have been paid and it is no longer necessary to divert sales tax revenue to the MMEIA Tax Incentive Fund.

HB 276. Effective 7/1/13. Signed 4/25/13.

This bill authorizes the issuance of distinctive motor vehicle license tags for supporters of the following:

- Oil and gas industry;
- Vancleave Home Run Club;
- Friends of the Park;
- Jackson Zoological Society, Inc.;
- Booneville School District;
- New Site High School;
- Thrasher High School;
- Jumpertown High School;
- Wheeler High School;
- Palmer Home for Children;
- Newton County School System;
- Bogue Chitto High School;
- Franklin County High School;
- Enterprise Attendance Center;
- Brookhaven High School;
- West Lincoln Attendance Center;
- South Pontotoc High School;
- North Pontotoc High School;
- Prentiss High School;
- Bassfield High School;
- Callaway High School;
- Baldwyn Bearcats;
- Motorcycle Awareness Campaign;
- Nathan's Legacy Foundation, Inc.;
- Pearl River County School District;

- Brookhaven School District;
- Greenville Public School District;
- Lone Survivor Foundation;
- Warren Central High School;
- Coastal Conservation Association;
- Marietta Raiders;
- Hills Chapel Patriots;
- Rienzi Eagles;
- Greene County School District;
- Perry County School District;
- North Pike High School;
- Loyd Star School;
- The True Value Experience.

The bill authorizes the issuance of a distinctive motor vehicle license tag commemorating the bicentennial of the establishment of the State of Mississippi.

The bill reauthorizes the issuance of the following distinctive motor vehicle license tags for supporters of the following:

- Southaven High School;
- Tishomingo County High School;
- Belmont High School.

The bill redirects a portion of the fee for the distinctive motor vehicle license tag for firefighters to the Mississippi Fire Fighters Association.

The bill redirects a portion of the fee for the distinctive motor vehicle license tag for supporters of the Tupelo Elvis Presley Fan Club to CREATE Foundation, Inc., for the benefit of the Tupelo Elvis Presley Fan Club.

The bill redirects a portion of the fee for the distinctive motor vehicle license tag for supporters of Pascagoula High School to the Pascagoula Athletic Foundation.

The bill provides that distinctive motor vehicle license tags authorized to be issued to supporters of the Mississippi seafood industry will bear one of 2 emblems designed by the Department of Marine Resources and it makes clear that monies in the Mississippi Seafood Marketing Program Account within the Seafood Fund may be used for cobia stock enhancement programs.

The bill revises the section of law authorizing the issuance of distinctive motor vehicle license tags to members of the United States Marine Corps to authorize the issuance of the tags to supporters of the United States Marine Corps.

The bill redirects a portion of the fee for the distinctive Louisiana State University motor vehicle license tag to the Bayou Bengal Booster Club of Mississippi to be used by the club to make contributions to charitable organizations that are approved by the Chancellor of Louisiana State University.

The bill provides that upon the request of a local chapter of Alpha Kappa Alpha Sorority, the Coleman, Alexander, Possner Foundation shall distribute to the local chapter an amount equal to the fees paid to the foundation that are generated by the purchase of the distinctive Alpha Kappa Alpha license tags by members of the local chapter of Alpha Kappa Alpha Sorority and by those members who purchased distinctive license tags by documentation signed by the president of the local chapter of Alpha Kappa Alpha Sorority in which the county is located. The Coleman, Alexander, Possner Foundation may deduct an administrative fee of \$2.00 from the additional fee generated from the purchase of each distinctive license tag which is distributed to a local chapter of Alpha Kappa Alpha Sorority.

The bill exempts one motor vehicle owned by a disabled American veteran who is entitled to purchase a distinctive license tag for disabled veterans under Section 27-19-53 from the payment of motor vehicle ad valorem taxes, regardless of the license tag issued to the disabled veteran.

The bill provides that a person issued a special antique automobile or pickup truck plate and who has completed an active duty career with the Armed Forces of the United States or is a retired member of the Army National Guard, Air National Guard or the United States Reserves, and is entitled to receive a distinctive license plate or tag under Section 27-19-51, may receive and affix to the antique plate an emblem or decal identifying the person with such organization.

HB 591. Section 1 effective on passage and Section 2 effective 1/1/13. Signed 4/26/13.

This bill reduces the number of jobs that must be created at the new headquarters of a company establishing or transferring its national or regional headquarters from within or outside this state in order for the company to be eligible for a sales tax exemption on sales of component materials used in the construction of a building, or any addition or improvement to the building, and sales of machinery and equipment not later than 3 months after completion of the building, addition or improvement, to be used in the building addition or improvement. The prior law required that a minimum of 35 jobs had to be created at the new headquarters in this state in order to eligible for the sales tax exemption. The bill lowers the minimum number of jobs required to be created to 20.

The bill creates a sales tax exemption for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within this state for sales of component materials used in the construction of a building, or any addition or improvement to the building, and sales of machinery and equipment not later than 3 months after completion of the building, addition or improvement, to be used in the building addition or improvement. At least 20 new jobs must be created at the headquarters as result of the expansion or addition in order to be eligible for the sales tax exemption.

The bill authorizes an additional income tax credit (job tax credit) for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within this state in the following amounts if a minimum of 20 new jobs are created:

- \$500.00 credit for each net new full-time employee;
- \$1,000.00 credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least 125% of the average annual wage of the state; or
- \$2,000.00 credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least 200% of the average annual wage of the state.

Current law authorizes a similar income tax (jobs tax credit) for companies that establish or transfer their regional or national headquarters from within or outside this state. This bill provides that the Department of Revenue rather than the Mississippi Development Authority, will establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the tax credit.

HB 722. Effective 7/1/13. Signed 4/22/13.

This bill revises the Mississippi Health Care Industry Zone Act as follows:

- The definition of the term "health care industry facility" is revised to include a business that:
 - ▶ Is located on land owned by or leased from an academic health science center with a medical school accredited by the Liaison Committee on Medical Education and a hospital accredited by the Joint Committee on Accreditation of Healthcare Organizations; and
 - ▶ Creates a minimum of 25 new jobs and/or \$20,000,000.00 of capital investment after July 1, 2012.
- One of the requirements under current law that must be satisfied in order for the Mississippi Development Authority to certify an area as a health care industry zone is that a health care industry facility in the area must be located within a five-mile radius of a facility with a certificate of need for hospital beds. This bill revises the five-mile radius requirement to provide that a health care industry facility may be located within a five-mile radius of a university or college that is:

- ▶ Accredited by the Southern Association of Colleges and Schools and awards degrees and/or trains workers for jobs in health care or pharmaceutical fields of study and/or work; and

- ▶ Located along or near Mississippi Highway 67 within a master planned community.

- The bill makes it clear that a health care industry facility that engages in an activity for which a certificate of need is required must comply with the provisions of the certificate of need law in order to be certified as a qualified business under the Mississippi Health Care Industry Zone Act.

HB 826. See summary under Universities and Colleges heading.

HB 841. Effective 7/1/13. Signed 3/7/13.

This bill provides that the sale of electricity, current, power, steam, coal, natural gas, liquefied petroleum gas or other fuel to a producer of oil and gas for use directly in enhanced oil recovery using carbon dioxide or the permanent sequestration of carbon dioxide in a geological formation will be taxed at the rate of 1-1/2%.

HB 844. Effective 7/1/14. Signed 4/23/13.

This bill exempts from sales taxation sales of electricity, current, power, steam, coal, natural gas, liquefied petroleum gas or other fuel to:

- A manufacturer, custom processor, technology intensive enterprise or public service company for industrial purposes, which shall include that used to generate electricity, to operate an electrical distribution or transmission system, to

operate pipeline compressor or pumping stations, or to operate railroad locomotives;

- A producer or processor for use directly in the production of poultry or poultry products, the production of livestock and livestock products, the production of domesticated fish and domesticated fish products, the production of marine aquaculture products, the production of plants or food by commercial horticulturists, the processing of milk and milk products, the processing of poultry and livestock feed, and the irrigation of farm crops; and

- A commercial fisherman, shrimper or oysterman.

HB 892. Effective 1/1/13. Signed 3/27/13.

Under current law, income, franchise and sales tax returns must be examined by the Department of Revenue within 3 years from the later of the due date or the date the return was filed. However, current law provides that when an examination of a return has been commenced, and the taxpayer notified, either by certified mail or personal delivery by an agent of the Commissioner of Revenue, within the three-year examination period, the determination of the correct tax liability can be made after the expiration of the three-year examination period, provided that the determination was made with reasonable promptness and diligence.

This bill provides that when an examination of an income, franchise or sales tax return has been commenced, and the taxpayer notified, either by certified mail or personal delivery by an agent of the Commissioner of Revenue, within the three-year examination period, the examination must be completed within one year after the expiration of the three-year

examination period. However, this limitation and the three-year limitation do not apply:

- To any tax period for which the taxpayer failed to file a return, in which case the tax, including any applicable penalties and interest, may be assessed by the Commissioner of Revenue at any time and the tax, penalties and/or interest so assessed may be collected by the commissioner as otherwise provided by law.

- In the case of a false or fraudulent return with the intent to evade tax. In such a case the Commissioner of Revenue is authorized to compute, determine and assess at any time the estimated amount of tax due on the return, including any applicable penalties and interest, from any information in his possession, and after the tax, penalties and/or interest are assessed, to collect them as otherwise provided by law.

- In the case of an agreement in writing entered into by the Commissioner of Revenue and the taxpayer made prior to the expiration of the applicable time periods, consenting to the examination of a return. In such a case the determination of a tax overpayment or deficiency and/or the issuance of an assessment may be made within the agreed upon period. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the previously agreed upon period.

- In a case in which a taxpayer requests an extension of time for filing any return and the request is granted. In such a case the limitation of time for examining the return and determining any tax overpayment or assessing any tax deficiency from the return will be extended for a like period.

The bill requires taxpayers to keep and maintain an accurate and complete set of records and other information

sufficient to allow the Department of Revenue to determine the correct amount of tax due. The records and other information must be open and available for inspection by the department upon request at a reasonable time and location. Refusal or delay by the taxpayer to provide documentation for examination upon the department's request will result in an assessment being made from any information available, which will be prima facie correct.

The bill also provides that if in an audit of the sales tax records of a taxpayer it is determined that during the period being audited the taxpayer reported and paid tax in accordance with a method used during a prior period which had been audited by the Commissioner of Revenue and not found to result in any additional tax due, the commissioner will be estopped from collecting any additional tax as a result of the use of this previously audited method for any period prior to notification by the commissioner or his agent during the current audit that use of the previously audited method would result in additional tax being due if it is determined, through all information available regarding this taxpayer, that:

- The method in issue was previously audited by the Commissioner of Revenue with no additional tax determined to be due under such method;
- The method under consideration in the current audit is the same method that was used in the prior audit;
- There has not been a statutory or regulatory change that would have resulted in additional tax being due under this method after the statutory or regulatory change; and
- The taxpayer detrimentally relied on the fact that this method had been previously audited and not found to result in additional tax.

HB 922. See summary under Highways and Transportation heading.

HB 932. Effective on passage. Signed 3/6/13.

This bill amends various statutes governing the Mississippi Employment Security Law as follows:

- Places administrative control over the Unemployment Trust Fund and the Unemployment Compensation Fund exclusively in the Mississippi Department of Employment Security (MDES).
- Revises the definitions of certain terms used in the Mississippi Employment Security Law.
- Gives MDES the authority to administratively issue garnishments to collect delinquent employer taxes and recover unemployment benefit overpayments.
- Authorizes the Executive Director of MDES to grant extensions of time to file certain reports under certain circumstances.
- Provides additional funds for the Mississippi Workforce Enhancement Training Fund for calendar year 2013 by reducing the general experience contribution rate for employers by 0.07% for that calendar year and increasing the contribution rate to the Workforce Enhancement Training Fund by 0.07% for that calendar year.
- Provides that an employer will be charged against his experience rating if the employer fails to respond adequately or timely to a request of MDES for information relating to an unemployment claim that was later determined improperly paid and the employer has failed to respond timely or adequately to those requests.

- Expands the definition of the term "debtor" and "refund" under the provisions that allow MDES to collect debts through setoffs against a taxpayer's income tax refund.
- Revises the manner in which notice is given to a taxpayer of a hearing to protest a setoff against the taxpayer's state income tax refund for debts the taxpayer owes MDES.
- Provides that the one-week waiting period for unemployment benefits may be waived only upon a presidential disaster declaration authorizing assistance to individuals and only in areas identified in the disaster declaration for individual assistance.
- Requires that an unemployed individual must be actively seeking work to be eligible to receive benefits.

HB 934. Effective 1/1/07. Signed 4/22/13.

This bill revises the law governing qualified equity investment tax credits.

The bill revises the definition of the term "credit allowance date" to include not only the date upon which the investment is initially made but also to provide that in the case of an investment made prior to the allocation of credits based on such investment, the date on which the Mississippi Development Authority issues a certificate allocating credits based on such investment.

The bill authorizes the Mississippi Development Authority to allocate credits based on the amount of qualified equity investments made or to be made by a qualified community development entity. The prior law authorized the allocation of credits only for the anticipated amount of qualified equity investments to be made.

HB 974. Effective 7/1/13. Signed 3/20/13.

This bill clarifies that the operation of "Internet sweepstakes cafes" is an illegal gambling activity under state law. An Internet sweepstakes cafe is an enterprise, other than a licensed gaming establishment, that offers gambling on personal computers that have been programmed to operate like slot machines. Such cafes ostensibly sell Internet time, and when a customer buys that Internet time, he receives a bonus of "entries" in an Internet sweepstakes. The customer then uses those entries to play games on the cafe's computer, and as a result of such play, the customer may or may not win cash prizes. The allocation of winning and losing entries is random. These operations are not licensed or subject to other regulation under state gaming laws, and they are not legal under the Mississippi Gaming Control Act.

Specifically, the bill makes it unlawful to possess, own, control, display, operate or have a financial interest in an electronic video monitor that is offered or made available to a person to play or participate in a simulated gambling program in return for direct or indirect consideration, and the person who plays or participates in the program may become eligible to win, redeem or otherwise obtain a cash or cash-equivalent prize.

Violations of this act are punishable as a misdemeanor, with a fine of not more than \$1,000.00 or imprisonment for not less than one year, or both.

The provisions of this bill do not apply to:

- Any lawful activity conducted for the primary purpose of entertaining children, during which money is paid for a token or chip that is used to play an electronic or other game, with the game winner earning tickets that can be exchanged for prizes.

- Any lawful marketing promotion, contest, prize or sweepstakes that is designed to attract consumer attention to a specific product or service which is offered for sale by the manufacturer, distributor, vendor or retailer.

- Any promotional activity authorized under the Mississippi Gaming Control Act to be conducted by a licensed gaming establishment.

HB 990. See summary under Accountability, Efficiency, Transparency heading.

HB 1003. Effective 7/1/13. Signed 4/22/13.

Current law authorizes an income tax credit for a portion of the costs and expenses incurred by a taxpayer in the rehabilitation of:

- Historic structures that are listed individually on the National Register of Historic Places or designated as a Mississippi Landmark by the Department of Archives and History;

- Structures located in a registered historic district listed on the National Register of Historic Places; and

- Structures certified by the Department of Archives and History as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places.

In order to be eligible for the tax credit, the costs and expenses of rehabilitation must exceed \$5,000.00 in the case of an owner-occupied dwelling or 50% of the total basis in the property in the case of all other properties, and the rehabilitation must be consistent with the standards of the Secretary of the United States Department of the Interior as determined by the Department of Archives and History. The

amount of the credit is 25% of the total costs and expenses of rehabilitation. If the amount of the tax credit exceeds the total state income tax liability of the taxpayer for the year in which the rehabilitated property is placed in service, the excess credit may be carried forward for the 10 succeeding tax years. However, if the amount of the credit exceeds \$250,000.00 the taxpayer may elect to claim a refund in the amount of 75% of the excess credit in lieu of the 10-year carry forward.

This bill modifies the law providing for the tax credit as follows:

- It revises the structures eligible for the tax credit by:
 - ▶ Revising the definition of the term "certified historic structure" to include property that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within 30 months of claiming the credit; and
 - ▶ Revising the definition of the term "structure in a certified historic district" to include a structure that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within 30 months of claiming the credit as well as a structure located in a potential district that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within 30 months of claiming the credit.
- Authorizes a taxpayer to claim the credit in phases if:
 - ▶ There is a written set of architectural plans and specifications for all phases of the rehabilitation;

- ▶ The written set of architectural plans and specifications are completed before the physical work on the rehabilitation begins; and

- ▶ It can reasonably be expected that all phases of the rehabilitation will be completed.

- Provides that the tax credit is subject to recapture if:

- ▶ The property is one that has been determined eligible for the National Register of Historic Places but is not listed on the National Register of Historic Places within 30 months of claiming the credit;

- ▶ The potential district in which the property is located is not listed on the National Register of Historic Places within 30 months of claiming the credit; or

- ▶ The rehabilitation of the property for which the credit was granted is abandoned.

The taxpayer must notify the Department of Archives and History and the Department of Revenue if any of the situations that subject the tax credit to recapture occur.

HB 1049. Effective on passage. Signed 4/25/13.

This bill removes general obligation bond authorizations for various purposes as follows:

- Amends certain provisions of the Mississippi Major Economic Impact Act to provide that no bonds may be issued after the effective date of the bill for projects described in Section 57-75-5(f)(xx) and (xxvii).

- Amends Section 6, Chapter 580, Laws of 2007, as amended by Section 12, Chapter 431, Laws of 2011, to provide that no bonds may be issued after the effective date of the bill for the purpose of providing funds for constructing, furnishing and

equipping intermediate care facilities for the mentally retarded (community group homes) in Tate, Jasper and Jones Counties and a crisis intervention mental health facility in Marshall County.

- Amends Section 7, Chapter 580, Laws of 2007, as amended by Section 13, Chapter 431, Laws of 2011, to provide that no bonds may be issued after the effective date of the bill for the purpose of providing funds for constructing a crisis intervention mental health facility in Jackson County, or for acquisition, renovation, furnishing and equipping of an existing building in the county to be used as a crisis intervention mental health facility.

- Amends Section 1, Chapter 348, Laws of 2009, to provide that no bonds may be issued after the effective date of the bill for the purpose of providing funds for loans to Hinds County, Mississippi, for infrastructure improvements and construction related to the Old Capitol Green Project.

- Amends certain sections of law to provide that no bonds may be issued after the effective date of the bill for the purpose of providing funds for certain Port of Gulfport and Port of Pascagoula improvements.

- Amends Section 40, Chapter 557, Laws of 2009, reduce to \$5,000,000.00 (\$20,000,000.00 authorized under prior law) the amount of state general obligation bonds that may be issued to provide funds for the Energy Infrastructure Revolving Loan Program and to extend the time within which the bonds may be issued until July 1, 2016.

- Amends Section 1, Chapter 480, Laws of 2011, to remove the authority to issue state general obligation bonds in the amount of \$3,000,000.00 for the planning, design and Phase I of construction, furnishing and equipping of a new headquarters

building for the Department of Revenue on state-owned property in the City of Jackson, Mississippi.

The amount of the bond authorizations removed is:

• Mississippi Major Economic Impact Act.....	\$ 48,000,000.00
• Community Group Homes and Crisis Intervention Mental Health Facility (Tate, Jasper, Jones and Marshall Counties).....	4,100,000.00
• Crisis Intervention Mental Health Facility (Jackson County).....	2,000,000.00
• Old Capitol Green Project.....	20,000,000.00
• Port of Gulfport Improvement Bonds.....	80,000,000.00
• Port of Pascagoula Improvement Bonds.....	80,000,000.00
• Energy Infrastructure Revolving Loan Fund...	15,000,000.00
• Bonds for construction of Department of Revenue Bldg.....	<u>3,000,000.00</u>
Total.....	\$252,100,000.00

The bill authorizes the issuance of state general obligation bonds in the amount of \$20,000,000.00 to provide funds for the Mississippi Development Authority to make loans to Hinds County to assist in the construction of a hotel (with at least 200 guest rooms) in the county. The county must pledge its homestead exemption annual tax loss reimbursement as security for the loan.

The bill amends Section 29, Chapter 480, Laws of 2011, to revise the purposes for which monies deposited into the Old Hattiesburg High School Improvements Fund may be used. The bill provides that, in addition to repair, renovation and improvement of the Old Hattiesburg High School building and related facilities, monies in the fund may be used for:

- Restoration, repair, renovation and improvement of the old Eureka High School building and related facilities in Hattiesburg, Mississippi; and

- Construction and development of and improvements and upgrades to downtown trails and related sites in Hattiesburg, Mississippi.

HB 1174. Effective 7/1/13. Signed 3/20/13.

This bill provides that the value of any maintenance furnished to members of the Public Employees' Retirement System on or after July 1, 2013, will not be included in the earned compensation of the members for retirement purposes, with the following exception: If an employee was receiving maintenance and having maintenance reported to the retirement system as of June 30, 2013, then the value of maintenance furnished to an employee from and after July 1, 2013, will be reported as earned compensation if the proper amount of employer and employee contributions is paid on the maintenance.

In addition, the bill provides that the value of any in-kind benefits provided to members of the Public Employees' Retirement System will not be included in earned compensation of the members for retirement purposes. The term "in-kind benefits" includes, but is not limited to, group life insurance premiums, health or dental insurance premiums, nonpaid major medical and personal leave, employer contributions for social security and retirement, tuition reimbursement or educational funding, day care or transportation benefits.

HB 1285. Effective on passage. Signed 3/20/13.

This bill authorizes a taxpayer that is collecting any tax imposed under the authority of a local and private law which is collected and paid to the Department of Revenue in the same or similar manner that state sales taxes are collected and paid, to be compensated for complying fully with the local and private laws, filing returns and paying the tax in a timely manner. As compensation, the taxpayer may discount and retain 2% of the tax liability on each return subject to the following limitations:

- The compensation or discount does not apply to taxes collected by a county official or state agency.
- The compensation or discount cannot exceed \$50.00 per month, or \$600.00 per calendar year, per business location on each return.
- The compensation taken for any filing period may be reassessed and collected when an audit of a taxpayer's records reveals a tax deficiency for that period.

HB 1344. See summary under Highways and Transportation heading.

HB 1680. Effective 7/1/13. Signed 3/27/13.

This bill revises the definition of the terms "to manufacture" and "manufacturing" under the Sales Tax Law to include activities of scrap metal recyclers that primarily convert material into a more useful product such as a specification-grade commodity, by processing the metal into separate types, removing waste material, and/or cutting, chipping, sorting, sizing or shaping the material into a usable product for sale such as a specification-grade commodity. The bill specifically excludes from the definition of the terms "to manufacture" and "manufacturing" activities of scrap metal recyclers that involve the gathering of recycled material and flattening, sorting, bundling or performing some other similar function solely to allow ease of transportation or storage and not to produce specification-grade commodities and/or the removal of parts for resale.

HB 1685. See summary under Energy heading.

HB 1698. See summary under Energy heading.

**STATE GENERAL OBLIGATION BONDS
AUTHORIZED TO BE ISSUED DURING THE 2013 REGULAR SESSION**

HB 1049

For loans to Hinds County to assist
in the construction of a 200-guest
room hotel in the county.....\$ 20,000,000.00

SB 2913

INSTITUTIONS OF HIGHER LEARNING

Alcorn State University.....	\$ 400,000.00
Delta State University.....	\$ 2,000,000.00
Jackson State University.....	\$ 8,500,000.00
Mississippi University for Women.....	\$ 5,100,000.00
Mississippi State University.....	\$ 10,000,000.00
Mississippi State University/Division of Agriculture, Forestry & Veterinary Medicine.....	\$ 7,500,000.00
Mississippi Valley State University.....	\$ 6,000,000.00
University of Mississippi.....	\$ 6,000,000.00
University of Mississippi Medical Center.....	\$ 31,000,000.00
University of Southern Mississippi.....	\$ 20,000,000.00
IHL TOTAL.....	\$ 96,500,000.00

COMMUNITY COLLEGES

Coahoma.....	\$ 1,234,203.00
Copiah-Lincoln.....	\$ 1,396,966.00
East Central.....	\$ 1,252,104.00
East Mississippi.....	\$ 1,577,354.00
Hinds.....	\$ 2,797,195.00
Holmes.....	\$ 1,803,856.00
Itawamba.....	\$ 1,977,372.00
Jones.....	\$ 1,613,546.00
Meridian.....	\$ 1,418,026.00

STATE GENERAL OBLIGATION BONDS - Continued

COMMUNITY COLLEGES - Continued

Mississippi Delta.....	\$ 1,358,169.00
Mississippi Gulf Coast.....	\$ 2,341,475.00
Northeast Mississippi.....	\$ 1,397,242.00
Northwest Mississippi.....	\$ 2,078,651.00
Pearl River.....	\$ 1,588,051.00
Southwest Mississippi.....	\$ 1,165,790.00
COMMUNITY COLLEGES TOTAL.....	\$ 25,000,000.00

OTHER

Community Heritage Preservation Grant Fund.....	\$ 5,000,000.00
Mississippi Craft Center.....	\$ 250,000.00
Jackson Zoo.....	\$ 1,000,000.00
Lovett Elementary School in Clinton.....	\$ 500,000.00
Mississippi Railroad Improvement Fund.....	\$ 2,500,000.00
GRAMMY® Museum.....	\$ 3,000,000.00
Marty Stuart Center and Congress of Country Music Hall.....	\$ 1,000,000.00
Cotesworth Culture and Heritage Center.....	\$ 2,000,000.00
City of Ridgeland (Lake Harbour Drive).....	\$ 1,000,000.00
City of Jackson (Woodrow Wilson Avenue Bridge).....	\$ 1,000,000.00
Mississippi Children's Museum.....	\$ 750,000.00
City of Flowood (Highway 25).....	\$ 4,900,000.00
Rail Authority of East MS.....	\$ 1,000,000.00
Thalia Mara Hall.....	\$ 1,000,000.00
Maritime and Seafood Industry Museum.....	\$ 1,000,000.00
New Capitol Building.....	\$ 1,000,000.00
Mississippi Armed Forces Museum.....	\$ 2,000,000.00

STATE GENERAL OBLIGATION BONDS - Continued

OTHER - Continued

East Mississippi State Hospital.....	\$ 10,350,000.00
Parham Bridges Park.....	\$ 100,000.00
ACE Fund.....	\$ 10,000,000.00
Mississippi Jobs Protection Act Fund.....	\$ 3,000,000.00
Rural Impact Fund.....	\$ 1,700,000.00
Mississippi Development Authority Workforce Training Fund.....	\$ 4,000,000.00
Jackson County Port Authority.....	\$ 10,000,000.00
Small Municipalities and Limited Population Counties Fund.....	\$ 5,000,000.00
Mississippi Business Investment Act (development infrastructure grant program).....	\$ 10,000,000.00
Mississippi Major Economic Impact Act (for Base Realignment and Closure).....	\$ 2,000,000.00
Local Governments and Rural Water Systems Revolving Loan & Grant Program.....	\$ 1,000,000.00
Water Pollution Control Revolving Fund.....	<u>\$ 1,000,000.00</u>
OTHER TOTAL.....	\$ 87,050,000.00

SB 2913 SUBTOTAL.....\$208,550,000.00

GRAND TOTAL.....\$228,550,000.00

**STATE GENERAL OBLIGATION BONDS
DEAUTHORIZED DURING THE 2013 REGULAR SESSION**

HB 1049

Mississippi Major Economic Impact Act.....	\$ 48,000,000.00
Community Group Homes and Crisis Intervention Centers.....	\$ 4,100,000.00
Crisis Intervention Mental health Facility.....	\$ 2,000,000.00
Old Capitol Green Project.....	\$ 20,000,000.00
Port of Gulfport Improvement Bonds.....	\$ 80,000,000.00
Port of Pascagoula Improvement Bonds.....	\$ 80,000,000.00
Energy Infrastructure Revolving Loan Fund.....	\$ 15,000,000.00
Bonds for construction of Department of Revenue Building.....	<u>\$ 3,000,000.00</u>

Total Deauthorized in HB 1049.....\$252,100,000.00

SB 2913

Division of Medicaid (information management system).....	\$ 4,500,000.00
Department of Public Safety Headquarters Preplanning (amount not utilized for preplanning).....	<u>\$ 1,500,000.00</u>

Total Deauthorized in SB 2913.....\$ 6,000,000.00

GRAND TOTAL DEAUTHORIZED.....\$258,100,000.00

FORESTRY

HB 488. Effective 7/1/13. Signed 3/20/13.

HB 488 amends Section 31-11-35 to provide that rating systems used for state-funded buildings shall not exclude certificate credits for forest products certified by the Sustainable Forestry Initiative, Forest Stewardship Council or the American Tree Farm System.

HIGHWAYS AND TRANSPORTATION

SB 2039. Effective 7/1/13. Signed 3/7/13.

SB 2039 designates that portion of Mississippi Highway 25 and Mississippi 15 that converges and overlaps within the corporate limits of the City of Louisville, Mississippi, as "Blue Star Memorial Highway" in honor and in gratitude and appreciation for the contributions and sacrifices of the Armed Forces that have defended the United States of America.

SB 2040. Effective 7/1/13. Signed 3/7/13.

SB 2040 designates that segment of Mississippi Highway 6 within Lee County, Mississippi, as the "Military Order of the Purple Heart Highway."

SB 2042. Effective 7/1/13. Signed 3/7/13.

SB 2042 designates certain highways and roads located in Choctaw, Winston and Noxubee Counties in Mississippi as an official Mississippi Scenic Byway to be known as the "Noxubee Hills Route."

SB 2233. Effective 7/1/13. Signed 3/8/13.

SB 2233 designates the reconstructed segment of Mississippi Highway 11 in Lamar County beginning where Mississippi Highway 11 intersects the Norfolk Southern Railroad and extending 1,840 feet as the "Tyler R. Kilsby and Leon Sims Memorial Highway."

SB 2233 also designates the segment of Mississippi Highway 590 from U.S. Interstate 59 east to Augusta Road including the Highway 590/29 Bypass in Jones County as the "Carlos 'Coach' McDaniel Memorial Highway."

SB 2418. See summary under Public Property heading.

SB 2448. Effective 7/1/13. Signed 3/20/13.

SB 2448 designates that segment of Mississippi Highway 4 within Prentiss County, Mississippi, beginning at the Prentiss/Tishomingo County line and extending to the intersection of Mississippi Highway 4 and Mississippi Highway 371 as the "Sergeant Jonathan W. Lambert, U.S.M.C. Memorial Highway."

SB 2451. Effective 7/1/13. Signed 4/3/13.

SB 2451 amends Sections 27-19-81 and 63-5-33 to extend the repealer until July 1, 2016, on the provisions that authorize the Mississippi Department of Transportation to issue harvest permits to owners and operators of vehicles hauling timber and certain other products.

SB 2457. Effective 7/1/13. Signed 3/11/13.

SB 2457 amends Section 63-31-3 to revise the definition of off-road vehicle to include recreational off-highway vehicles and other new design vehicles and revises the definition of all-terrain vehicles. Section 63-31-1 is amended to conform.

SB 2491. Effective on passage. Signed 3/7/13.

SB 2491 designates certain segments of road in Desoto County as an official Mississippi Scenic Byway to be known as the "Delta Bluffs Scenic Byway."

SB 2496. Effective on passage. Signed 3/7/13.

SB 2496 amends Section 65-3-71.102 to direct the Mississippi Department of Transportation to relocate the signage for the "Albert B. Shows Memorial Highway."

SB 2572. Effective 7/1/13. Signed 3/20/13.

SB 2572 designates the Gluckstadt interchange on Interstate 55 in Madison County, Mississippi, as the "Adam Lee Weisenberger Memorial Interchange."

SB 2613. Effective on passage. Signed 3/7/13.

SB 2613 designates certain segments of highways in Madison County and in the Cities of Madison and Canton, and the Town of Flora as an official Mississippi Scenic Byway to be known as the "Gateway To History."

HB 181. Effective 7/1/13. Signed 3/20/13.

HB 181 designates a certain segment of Mississippi Highway 29 in Jones County in the City of Ellisville as the "Wyonie 'Sonny' Patterson Memorial Highway."

HB 225. Effective 7/1/13. Signed 3/14/13.

HB 225 creates the "Mississippi Highway Patrol Fallen Officer's Memorial Highway Act." The bill provides that the Mississippi Highway Safety Patrol may designate any segment of any public street, road, highway or interstate within the state upon which any member of the Mississippi Highway Safety Patrol has fallen in the line of duty as a memorial highway in such officer's honor. The memorial highway may not stretch more than five miles in any direction from the location in which the fallen member of the Mississippi Highway Safety Patrol fell.

HB 261. Effective on passage. Signed 3/21/13.

HB 261 amends Section 65-1-85 to allow the Mississippi Transportation Commission to use the design-build method of contracting for one project per fiscal year which has an estimated cost of more than \$10,000,000.00.

HB 373. Effective 7/1/13. Signed 3/20/13.

HB 373 amends Section 37-101-292 to revise the Mississippi Transportation Commission's paid educational leave program used to recruit civil engineers for employment with the department. The educational eligibility requirements are revised for participants. The contractual services employees for undergraduate and graduate civil engineering students who participate in the program must agree to work as a civil engineer at the Mississippi Department of Transportation for a period of time equivalent to the period of time for which the applicant receives a stipend for educational expenses calculated to the nearest whole month.

HB 436. Effective on passage. Signed 3/26/13.

HB 436 amends Section 65-1-8 to authorize the Mississippi Transportation Commission to receive funds from the Southeastern Association of Transportation Officials and expend those funds for scholarships for transportation-related studies. The bill also revises Sections 43-39-7, 43-39-9 and 43-39-11 to increase the maximum amount for the payments made to individuals and entities displaced by certain government projects to the maximum amount of relocation payments established by applicable federal regulations.

HB 517. Effective 7/1/13. Signed 4/25/13.

HB 517 designates a certain bridge on Mississippi Highway 15 in Chickasaw County in the City of Houston as the "Representative William E. 'Billy' Bowles Memorial Bridge."

HB 702. Effective 7/1/13. Signed 3/14/13.

HB 702 designates a certain segment of Mississippi Highway 63 in Greene County as the "Senator George Cecil McLeod, Jr., Memorial Highway."

HB 738. Effective on passage. Signed 3/14/13.

HB 738 designates certain segments of road in DeSoto County as an official Mississippi Scenic Byway to be known as the "Delta Bluffs Scenic Byway." The bill also designates Mississippi Highway 6 within Panola County as the "Military Order of the Purple Heart Highway."

HB 757. Effective 7/1/13. Signed 3/20/13.

HB 757 designates a certain segment of U.S. Highway 184 in Lawrence County as the "Lawrence County Veterans Highway."

HB 799. Effective 7/1/13. Signed 3/18/13.

HB 799 creates the "Mississippi Congressional Medal of Honor Recipient's Memorial Highway Act." The bill requires the Department of Transportation to erect and maintain the signs designating a memorial highway named after a person who was awarded a Congressional Medal of Honor with the words "Congressional Medal of Honor Recipient."

HB 922. Effective 7/1/13. Signed 3/25/13.

HB 922 amends Section 65-4-5 to remove the date of repeal on a certain project in the definition of "high economic benefit project" in the Economic Development Highway Act.

HB 1258. Effective 7/1/13. Signed 3/21/13.

HB 1258 authorizes the Mississippi Transportation Commission to transfer and convey by mode of donation to the City of Canton all of the rights, title and interest in certain real property located in Madison County. The bill deletes a segment of Mississippi Highway 16 between U.S. Highway 51 and Mississippi Highway 43 in the City of Canton from the state highway system and returns it to the jurisdiction of the Mayor and Board of Aldermen of the City of Canton. The bill adds a certain segment of newly constructed highway between U.S. Highway 51 and Mississippi Highway 43 in the City of Canton to the state highway system to be designated as a part of Mississippi Highway 16 in Madison County.

HB 1335. Effective 7/1/13. Signed 4/23/13.

HB 1335 prohibits any person from selling a motor vehicle unless the title and registration of the vehicle is in the name of that person. The following exceptions apply:

- An heir, successor or assignee of the owner of the motor vehicle;
- A motor vehicle dealer licensed or permitted in the State of Mississippi to sell motor vehicles;
- A person selling a motor vehicle to a licensed used motor vehicle parts dealer or scrap metal processor in compliance with Section 63-21-39;
- A person selling a motor vehicle under the Mississippi Title Pledge Act;
- An insurance company or its authorized agent selling a motor vehicle that is the subject of an insurance claim; or
- A finance company or bank selling a motor vehicle.

The bill provides that a violation of these provisions of law shall result in a misdemeanor with a fine of at least \$1,000.00 but not more than \$5,000.00 per violation.

HB 1344. Effective 7/1/13. Signed 4/26/13.

HB 1344 revises the provisions of the affidavit form required to be filed with the Department of Revenue when cancelling a certificate of title for scrap motor vehicles when the certificate of title is not available. The bill requires that within two business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department a list of all such vehicles purchased that day for scrap or for parts. The bill provides that when a used motor vehicle parts dealer or scrap metal processor purchases or receives a crushed or flattened vehicle, that dealer or processor must verify that the seller has reported the vehicle as required by this law. The bill makes it a criminal offense to knowingly falsify any information on the affidavit form provided by the bill. The bill authorizes the Department of Public Safety to charge a fee for any vehicle identification number verification required by federal law or regulation on a vehicle with a salvage certificate of title for which a person applies for a clear title or branded title. The bill authorizes the seizure and forfeiture of any motor vehicle, trailer or similar conveyance used to transport another motor vehicle or crushed motor vehicle sold in violation of this law.

HB 1538. Effective on passage. Signed 4/25/13.

HB 1538 designates a certain segment of Interstate Highway 59 in Jones County and the City of Laurel as the "Arwillla Huff Davison Memorial Highway." The bill amends Section 65-3-71.88 to delete a portion of Interstate 59 dedicated to the memory of Lance Corporal Roy M. Wheat.

HB 1550. Effective on passage. Signed 3/20/13.

HB 1550 designates a certain flyover bridge in Adams County at the intersection of U.S. Highway 61 and Devereaux Drive in the City of Natchez as the "Veterans Memorial Bridge."

INSURANCE

SB 2209. Effective 7/1/13. Signed 4/1/13.

SB 2209 requires health insurance plans in this state to provide coverage for telemedicine services to the same extent that the services would be covered if they were provided through in-person consultation. SB 2209 also authorizes a health care practitioner licensed in this state to prescribe, dispense or administer drugs or medical supplies, or otherwise provide treatment recommendations, to a patient after having performed an appropriate examination of the patient either in person or by the use of telemedicine. "Telemedicine" means the delivery of health care services such as diagnosis, consultation, or treatment through the use of interactive audio, video, or other electronic media. Telemedicine must be real-time consultation, and does not include the use of audio-only telephone, email, or facsimile.

SB 2232. Effective 7/1/13. Signed 3/7/13.

SB 2232 removes the repealer on the provision of law that regulates health discount plans. A health discount plan is a business arrangement or contract where members of the plan, in exchange for fees or dues, receive discounts on medical, ancillary or pharmacy services from contract providers.

SB 2593. Effective 7/1/13. Signed 3/27/13.

SB 2593 authorizes auto insurance companies to furnish the insurance card in either paper or electronic format as chosen by the insured. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device.

SB 2675. Effective 7/1/13. Signed 3/7/13.

SB 2675 increases the amount of reward, from \$1,000.00 to \$5,000.00, which may be offered by the Commissioner of Insurance in cases of willful destruction by fire or explosion of any real or personal property located in this state.

SB 2681. Effective 7/1/13. Signed 4/25/13.

Current law prohibits the Department of Finance and Administration from purchasing liability insurance coverage for state aircraft. SB 2681 deletes this prohibition to allow DFA to purchase liability coverage for state aircraft. SB 2681 also authorizes the Department of Public Safety to sell its aircraft and retain the proceeds from the sale to purchase replacement aircraft more suited to its needs. If there are any proceeds remaining after the purchase of the replacement aircraft, DPS shall transfer the remaining amounts to the State General Fund.

HB 374. Effective 7/1/13. Signed 2/18/13.

HB 374 provides that if an insured provides an insurer with written direction that all or a portion of any indemnities or benefits provided by the policy be paid to a licensed health care provider rendering hospital, nursing, medical or surgical services, then the insurer shall pay directly the licensed health care provider rendering such services. That payment shall be considered payment in full to the provider, who may not bill or collect from the insured any amount above that payment, other than the deductible, coinsurance, copayment or other charges for equipment or services requested by the insured that are noncovered benefits.

HB 437. Effective 7/1/13. Signed 3/18/13.

HB 437 provides the State Chief Deputy Fire Marshal and deputy state fire marshals with the following powers:

- To arrest without warrant any person or persons committing or attempting to commit any misdemeanor or felony within their presence or view but only such violations of law or violations of regulations adopted pursuant to Chapter 45 or Chapter 49, Title 75, Mississippi Code of 1972;

- To pursue and so arrest any person committing an offense as described under the previous bullet to and at any place in the State of Mississippi where he may go or be;

- To execute all warrants and search warrants related to, and investigate any violation of the laws and regulations related to Chapter 45 or Chapter 49, Title 75, Mississippi Code of 1972, and prevent, arrest and apprehend such violators; and

- To aid and assist any peace officer of this state or any other state if requested, or in manhunts or natural disasters within the state, and upon the consent of the State Fire Marshal, within the jurisdiction of the called event.

This bill also requires all deputy state fire marshals hired on or after July 1, 2013, to complete or have completed the Law Enforcement Officers Training Program and requires them to meet the standards of the program.

HB 534. Effective 7/1/14 except provisions in Sections 3 through 14 which are effective 7/1/13. Signed 3/30/13.

HB 534 makes various amendments to the current insurance code. Specifically, it does the following:

- Authorizes the Commissioner of Insurance to conduct financial and market analysis review of all insurers authorized to do business in this state;
- Provides for the confidentiality of ancillary information received by the Commissioner of Insurance during an examination, financial review and market analysis review;
- Includes health organization insurers under the risk-based capital laws;
- Defines the term "enterprise risk" as used in the Insurance Holding Company Registration Act;
- Revises the form and contents of the registration statement filed with the Commissioner of Insurance;
- Provides that a disclaimer of affiliation shall be deemed to have been granted unless the commissioner notifies the filing party the disclaimer is disallowed;
- Revises the notice requirements to the Commissioner of Insurance of certain intended transactions within the holding company system;
- Revises the filing requirements of persons seeking to divest or acquire a controlling interest in a domestic insurer;
- Provides certain management requirements of domestic insurers subject to registration; and

- Revises the confidential treatment of documents, materials or other information in the possession or control of the Department of Insurance that are obtained by or disclosed to the commissioner or any other person during certain examinations or investigations.

HB 545. Effective 7/1/13. Signed 4/23/13.

HB 545 lowers the minimum number of vehicles, from 10 to 4, that must be covered for an insured in an automobile liability policy to purchase single-limit, nonstacking uninsured motorist insurance coverage covering all vehicles listed in the policy.

HB 748. Effective 7/1/13. Signed 3/25/13.

HB 748 allows any legal entity authorized to exist under Mississippi law to enter into and exchange reciprocal contracts. The bill allows the attorney to be a limited liability company. The bill provides that the declaration shall set forth the name and principal office address of the reciprocal and the name and principal office address of the attorney-in-fact of the reciprocal, and reduces the number of separate risks required from 75 to 10. The bill provides that the reciprocal may sue or be sued in its own name and prohibit subscribers from being sued. The bill clarifies that the capital, surplus and reserve requirements for a reciprocal are the same as a stock company. The bill clarifies that the reciprocal must file the required annual statement. The bill clarifies that the insurance license will be held by the reciprocal and not the attorney-in-fact. The bill clarifies that the reciprocal must pay the tax on premium receipts. The bill creates a new section of law to provide that every subscriber may execute a subscriber's agreement and power of attorney, to provide that if a domestic

reciprocal requires execution then the subscriber is bound by the executed agreement, and to provide that if the domestic reciprocal does not require execution, then the subscriber is bound by the agreement approved by the Commissioner of Insurance. The bill creates a new section of law to provide for a board of directors to govern a reciprocal. The bill creates a new section of law to authorize reciprocals to return to its subscribers any savings or credits accruing to their accounts. The bill creates a new section of law to provide that a domestic reciprocal may apply for and shall receive a certificate of nonassessability allowing it to issue nonassessable policies if it has and maintains a minimum surplus at least equal to the minimum capital and surplus required of a domestic stock insurer. The bill creates a new section of law to prohibit domestic reciprocals that have not been issued a certificate allowing for the issuance of nonassessable policies from issuing such policies, and to provide the contingent assessment liability requirements. The bill creates a new section of law to provide requirements for computation and timing of assessments. The bill creates a new section of law to provide that subscribers are not personally liable for the payment of a reciprocal's debts or obligations. The bill creates a new section of law to clarify licensing requirements of employees and agents of a reciprocal and its attorney. The bill creates a new section of law to allow two or more reciprocals to combine into one reciprocal if approved by the Commissioner of Insurance. The bill revises the requirements for foreign insurance companies to be admitted to do business in the State of Mississippi.

HB 817. Effective 7/1/13. Signed 3/20/13.

HB 817 creates the "Mississippi Conveyance Safety Act." It specifically does the following:

- Provides for the licensure of elevator contractors, elevator mechanics and elevator inspectors, and establishes qualifications therefor;
- Provides for biennial renewal of licenses;
- Provides that licenses may be suspended, revoked or subject to civil penalties upon certain violations;
- Requires registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks and any other conveyance;
- Requires installation and maintenance to be performed in compliance with the State Fire Prevention and Building Code;
- Requires permits before a conveyance is erected, constructed, installed or altered within buildings or structures;
- Provides civil penalties for violations of this act;
- Provides that the provisions of this act are not retroactive unless otherwise stated;
- Provides that the owner of all new and existing conveyances located in any building or structure shall have the responsibility of having the conveyance inspected annually by a licensed elevator inspector;
- Exempts from the provisions of this act any elevator in a private residence;
- Creates a special fund, to consist of monies collected for licenses, fees and penalties pursuant to this act.

HB 921. See summary under County Affairs heading.

HB 1277. Effective on passage. Signed 3/20/13.

HB 1277 repeals sections of law that require the deposit of security for damages resulting from a motor vehicle accident and provide for the suspension of licenses and registrations upon the failure to deposit the security.

JUDICIARY, DIVISION A

SB 2010. Effective on passage. Signed 4/24/13.

The purpose of this bill is to clarify that the court, whether circuit, chancery or county, has jurisdiction in the course of a paternity proceeding to award custody of the child who is the subject of a paternity proceeding. Section 93-9-15 is further amended to authorize the court to order reimbursement to Medicaid by the person adjudicated to be the child's father for expenses of the mother's pregnancy and confinement.

SB 2015. Effective 7/1/13. Signed 3/27/13.

Section 13-5-41 is amended by this bill to increase the maximum potential number of grand jurors by 5, from 20 to 25, in the court's discretion.

SB 2046. Effective 7/1/13. Signed 4/25/13.

Justice court clerk annual training requirements are clarified by amending Section 9-11-29 to conform to the current program utilized by the Judicial College for justice court clerks and their deputies. The training will consist of 12 hours of instruction as it currently does.

SB 2047. Effective on passage. Signed 3/20/13.

This bill amends Section 45-9-131 to allow the spouse of a municipal or county law enforcement officer who was killed in the line of duty to purchase the sidearm issued to the officer. The price to be paid by the widowed spouse will be determined by the governing authority of the municipality or county approving the purchase.

SB 2076. Effective on passage. Signed 3/18/13.

Section 43-21-651 of the Youth Court Act is amended to conform to the judicial rules of appellate procedure the time allowed for appeal from the youth court to the Supreme Court.

SB 2210. See summary under Public Health and Welfare heading.

SB 2223. Effective 7/1/13. Signed 4/25/13.

This bill amends Section 99-19-101 to add certain acts of terrorism as an aggravating factor for the jury's deliberation in capital cases.

The bill also amends Sections 73-3-57 and 97-9-11, to clarify that the prohibition against champerty and maintenance apply to attorneys and other people without regard to the state in which they reside or are licensed.

SB 2338. See summary under Public Health and Welfare heading.

SB 2375. Effective 7/1/13. Signed 3/14/13.

This bill amends Sections 93-13-37, 93-13-57, 93-13-67 and 93-13-77 to provide that when a minor ward has a father or mother, but neither parent is able to take responsibility for him, the court is authorized to appoint a special general guardian who is related to the minor by blood or marriage if the minor's assets do not include any real property, cash-on-hand consists of no more than \$250.00, and the minor's personal property is worth no more than \$1,000.00. The court must also find that this would be in the best interests of the minor. An attorney is not required for this proceeding in chancery court,

and the court is to waive annual and final accounting by the special general guardian.

The bill goes on to provide that if any realty, personalty or monies in excess of the limitations come into the hands of the special general guardian on behalf of the ward, the guardian must immediately comply with all relevant provisions of the guardianship chapter. If money or other property of the ward not in excess of the amounts or values listed comes into the hands of the guardian, he is to seek direction from the court as to the disposition he should make of it. If the chancellor directs the guardian to retain the property, responsibility does not attach to the guardian, but the chancellor may require regular accounting as to that property.

Finally, unless the court seeks an accounting on its own motion, the bill allows the court to close its file on any guardianship that has terminated if the ward does not petition the court for a final accounting on or before July 1, 2014, or the twenty-second birthday of the ward, whichever comes last.

SB 2377. Effective 7/1/13. Signed 4/25/13.

Sections 97-3-19 and 97-3-21 are amended by this bill to draw a distinction between first- and second-degree murder, a division that has not previously existed in Mississippi.

The following existing categories of murder will be designated as first-degree murder: homicide done with deliberate intent to kill the person murdered, or when done without design to effect death if the person is engaged in the commission of any felony other than the felonies that trigger classification of the homicide as capital murder, and, finally, when done with deliberate design to effect the death of an unborn child.

Depraved-heart murder will now be categorized as second-degree murder. Capital murder is not amended.

The current punishment for murder, life in prison, remains the punishment for first-degree murder. The punishment for second-degree murder will be life, if so fixed by the jury in a separate sentencing proceeding, or if the jury fails to impose life, the court is to fix the penalty at 20 to 40 years.

SB 2609. Effective 7/1/13. Signed 3/25/13.

This bill amends Article 9 of the Uniform Commercial Code (Chapter 9 of Title 75, Mississippi Code of 1972) to standardize and simplify procedures concerning secured transactions in personal property and to provide greater guidance regarding the name of an individual required on a UCC financing statement.

The bill conforms Mississippi's law to existing uniform law already enacted in a majority of other states to make uniform revisions to the Uniform Commercial Code. There are transition provisions to address security interests perfected before the effective date as well as security interests unperfected before the effective date. The bill also provides when an initial financing statement suffices to continue the effectiveness of a financing statement and how to amend a pre-effective-date financing statement. Provision is made as to who is entitled to file an initial financing statement or continuation statement, and to establish priority among filings.

The bill also adopts the 2012 uniform amendments to Article 4A of the Uniform Commercial Code. Section 75-4A-108 is being amended to provide that the UCC will apply to remittance transfers to the extent the transfer is not covered by the Electronic Funds Transfer Act. If there is any conflict between the provisions of the Uniform Commercial Code and the Electronic Funds Transfer Act, federal law will control.

SB 2647. Effective 7/1/13. Signed 3/20/13.

Entitled the "National Instant Criminal Background Check System Improvement Act," the purpose of this bill is to facilitate reporting to the FBI of "federal prohibited-person information" for inclusion in the National Instant Criminal Background Check System (NICS) database.

Federal prohibited-person information is information that identifies an individual as a person who has been judicially determined by a court as mentally ill or with intellectual disabilities to the extent that the person is not qualified under federal law to purchase a firearm. The bill requires court clerks to submit the required information to the Mississippi Department of Public Safety for forwarding to the FBI, and requires DPS to establish a procedure for this information to be transmitted to the FBI. Information sharing in electronic format is encouraged but not required. Procedures to correct records are also mandated for the situation where a person obtains a judicial order or finding that he has been restored to reason or has obtained a relief from disability under 18 USC, Section 925.

Sections 97-37-5 and 41-21-101 are amended to conform.

SB 2684. Effective 7/1/13. Signed 3/20/13.

The current model business corporation act found at Title 79, Chapter 4, Mississippi Code of 1972, was enacted in 1987 to be effective on January 1, 1988. The previous corporation chapter, Title 79, Chapter 3, was repealed at that time, however, several references in other parts of the code were never amended to refer to the correct code section in the 1988 act. This bill corrects that oversight. Sections 27-13-5, 27-13-7, 27-13-17, 79-7-1 and 79-11-57 are amended to conform, and Section 79-17-41, which provided for changing the corporate form of a cooperative association, is repealed.

SB 2730. Effective on passage. Signed 4/24/13.

This bill amends uncodified general laws first enacted in 1865 and 1884 that created the Mississippi Levee District and the Yazoo-Mississippi Delta Levee District to expand and clarify those districts' right of eminent domain. Specifically, the two levee boards and their partner, the Army Corps of Engineers, are authorized to enter private lands for the purposes of surveys, soil borings and other official business for levee purposes, subject to liability for damages done to the land or to persons. The authorized personnel are required to make a good-faith attempt to announce and identify themselves before entering private property and are required to present identification upon request.

SB 2732. Effective 1/1/14. Signed 4/24/13.

Entitled "Lenora's Law," this bill requires electronic tracking of sex offenders who violate their duty to register, reregister, update registration or to comply with electronic tracking following such a violation. The bill amends Section 45-33-23 to revise the definitions under the sex offender registration act.

New Section 45-33-45 is created to authorize the Department of Corrections to devise, test, implement and contract for an electronic monitoring system for sex offenders who do not comply with sex offender registry requirements. Use of the system will be mandatory for such offenders who are arrested in order to bond out, and will also be mandated for post-incarceration release for these violators. A violation of the duty to submit to any required electronic monitoring is created as a new violation under Section 45-33-33 of the sex offender registration chapter. Section 45-33-36 is amended to allow local law enforcement to notify residents of sex offender registration information.

SB 2751. Effective on passage. Signed 3/20/13.

The Mississippi Supreme Court case of Flye v. Spotts, a motor vehicle accident case, found that a particular volunteer fire department (VFD) did not meet the definition of a "political subdivision," and held that a VFD is an independent contractor. This case brought into question whether a VFD and its employees would have immunity under the Mississippi Tort Claims Act (MTCA) for alleged acts of negligence in the course and scope of their actual firefighting duties. In its analysis, the court indicated that the Legislature could have expressly enacted immunity for VFD's.

Because this raised doubt as to whether volunteer firefighters would enjoy the same immunity currently held by other firefighters, there were fears for exposure to liability to individuals and the nonprofit corporations that contract with most local governments to provide fire protection to their citizens. This could result in increased taxes or insurance premiums, or both, or even loss of firefighting protection at all for some jurisdictions.

This bill amends Section 11-46-1 to provide that the term "employee" includes firefighters who are members of a volunteer fire department that is a political subdivision and adds to the definition of "political subdivision" any volunteer fire department that is a chartered nonprofit corporation providing emergency services under contract with a county or municipality.

For continuity, the bill also modifies definitions in the law governing the Law Enforcement and Fire Fighters Death and Disability Benefits Trust Funds found at Sections 45-2-1 and 45-2-21.

Although effective upon passage, VFD's have until July 1, 2013, to obtain and have approved insurance policies or self-insurance reserves as are required for political subdivisions under the MTCA.

This bill does not alter whatever immunity volunteer firefighters have as qualified volunteers under Section 95-9-1, which does not provide immunity for negligent operation of a motor vehicle, aircraft, boat or other powered mode of conveyance.

HB 28. Effective 7/1/13. Signed 4/23/13.

This bill amends Section 97-1-7 to revise the attempt statute to create the offense of attempted murder. A person convicted of attempted murder will be subject to imprisonment for life if the punishment is so fixed by the jury in a separate sentencing proceeding. If the jury fails to impose a life sentence, the court is to fix the penalty at imprisonment for not less than 20 years.

HB 80. Effective 7/1/13. Signed 3/18/13.

Section 21-23-7 allows municipalities to charge convicted misdemeanor offenders \$10.00 per day for jail costs. This bill raises the amount that municipalities are allowed to charge to the actual jail cost paid by the municipality but not to exceed \$35.00.

HB 85. Effective 7/1/13. Signed 3/18/13.

This bill amends Section 7-3-57 to allow the Secretary of State to publish Chapter 9 of the Uniform Commercial Code either in printed form or on the Secretary of State's website.

HB 142. Effective upon approval under the Voting Rights Act of 1965. Signed 3/18/13.

This bill amends Section 9-9-21 to clarify that a county court has jurisdiction over criminal matters assigned to it by a judge of the circuit court. Sections 9-7-3 and 9-9-35 are amended to conform. The provision that the county judge will not be compelled to accept an assignment is retained, but the stipulation that the assignment cannot be made if the attorneys for both parties object is eliminated.

HB 151. Effective 7/1/13. Signed 4/23/13.

This bill amends Section 97-5-51, known as the Child Protection Act, to require a law enforcement officer who receives a mandated report to file an affidavit against the offender on behalf of the state if there is probable cause to believe that the offender has committed a sex crime against a minor.

The definition of "sex crime against a minor" is not changed. The bill sets forth the grounds for reasonable suspicion that a sex crime against a minor has occurred: if the mother is under 16 and will not identify the father, the mother lists the father as unknown, the person the mother identifies as the father disputes his fatherhood, the person identified as the father is 21 or older, or the person the mother identifies as the father is deceased.

The bill also requires umbilical cord blood to be collected, if possible, when a minor under 16 gives birth if it would be reasonable to suspect that the minor's pregnancy resulted from a sex crime against a minor, and includes midwives in the list of health care providers who are mandatory reporters under this section.

HB 477. Effective on passage. Signed 4/25/13.

This bill amends Section 11-7-13 to provide that only persons listed in the wrongful death statute may bring a wrongful death action and that only those persons may be considered interested parties. The bill also allows a defendant in a wrongful death action to request that the plaintiff initiate the process of determining heirs within 90 days of filing the defendant's answer. The determination of heirs must be resolved before commencement of trial.

HB 481. Effective 7/1/14. Signed 4/11/13.

This bill revises sections of the Implied Consent Law to expand the use of ignition-interlock devices. Section 63-11-30 is amended to provide that a person with a first DUI offense may, if the court allows, exercise driving privileges under an ignition-interlock-restricted driver's license for 90 days following a 30-day license suspension. The person may also qualify for a one-time-only nonadjudication if allowed by the court.

For a second DUI offense, in addition to current fines and imprisonment, a person's suspension will be for 45 days and the person's driving privileges may not be restored except by means of an ignition-interlock-restricted driver's license for one year following the 45-day suspension.

For a third DUI offense, in addition to current fines and imprisonment, a person's suspension will be for 2 years and the person's driving privileges may not be restored except by means of an ignition-interlock-restricted driver's license for 3 years following release from incarceration and following the 2-year driver's license suspension.

For a fourth or subsequent DUI offense, without regard to the period of time over which the offenses were committed, the person is guilty of a felony and fined not less than \$3,000.00 nor more than \$10,000.00 and imprisoned for not less than 2 years nor more than 10 years in the custody of the Department of Corrections. The person's driver's license will be suspended for 5 years following the person's release from custody.

The cost of the use of the ignition-interlock device will be borne by the offender unless indigent. The device will be installed at the residence of the offender and the maximum cost shall not exceed \$150.00 for installation and \$2.50 per day for

the user fee. The Department of Public Safety will prescribe fees for periodic inspections, calibrations and repairs.

A new subsection is added to Section 63-11-30 to allow for a one-time only expunction of a first DUI offense if the offender satisfies the conditions of the court, did not refuse to submit to a test, did not have a blood alcohol concentration of .16% or more, had not been convicted of any other DUI offense and provides the court with justification as to why the conviction should be expunged.

Section 63-11-31 is amended to provide for fees for the use of ignition-interlock devices and for nonadjudication. It also requires the calibration of the device to be at no more than .03% for persons 21 years of age or older and .02% for persons under 21 years of age.

Sections 63-1-21, 63-1-43 and 63-1-47 are amended to provide for the issuance, term and renewal of the ignition-interlock-restricted driver's license, the fees for obtaining the license, and the distribution of the funds collected regarding the license. Sections 63-11-21 and 63-11-23 are amended to conform.

HB 485. Effective on passage. Signed 3/4/13.

This bill creates Section 25-61-11.1 to exempt from the Mississippi Public Records Act of 1983 the name, home address, telephone number or other private information of a person possessing a concealed weapon carry permit that is issued by the Department of Public Safety. Section 45-9-101 is amended to conform and to provide that exempted information is to be released only upon order of a court having proper jurisdiction over a petition for release of the record.

HB 720. See summary under Public Health and Welfare heading.

HB 725. Effective 7/2/13. Signed 4/25/13.

This bill amends Sections 93-13-38 and 93-13-67 to provide that notice to creditors is not required in a guardianship of the person only; reports will be made only as often as the court requires, and the guardianship may be closed without the need for any accounting unless otherwise determined by the court. Any assets that are received shall be reported immediately and at that point the guardianship shall be determined to be a guardianship of the person and estate and all requirements for guardianship of the person and estate shall be followed.

Section 93-13-77 is amended to conform. See also Senate Bill No. 2375 under this heading.

HB 772. See summary under Agriculture heading.

HB 928. Effective on passage. Signed 3/25/13.

This bill amends Section 89-5-8 to allow recordation of an affidavit of scrivener's error as notice of typographical or other minor errors in recorded instruments affecting title to real estate, and provides that such an affidavit is admissible on the same basis as other affidavits authorized under the statute.

HB 943. See summary under County Affairs heading.

HB 1008. Effective 7/1/13. Signed 3/20/13.

This bill creates Section 75-9-501.1 to authorize the Secretary of State to initiate proceedings for the refusal and termination of fraudulent or false Uniform Commercial Code security interest filings. The bill establishes the procedure for refusal and termination of the fraudulent and false filings. Section 75-9-510, dealing with when a record ceases to be effective, and Section 75-9-516, dealing with when filing does not occur, are amended to conform.

JUDICIARY, DIVISION B

SB 2197. Effective 7/1/13. Signed 3/20/13.

The ban on possession of child pornography found in Section 97-5-33 is clarified by specifying that possession of the pornography on a computer must be done knowingly or with intent to access or view the pornography.

SB 2255. Effective 7/1/13. Signed 3/20/13.

"Karen's Law" amends Section 97-3-25, which sets forth the punishment for manslaughter. The existing punishment for manslaughter, which can be either a misdemeanor (maximum punishment \$500.00 and 1 year) or a felony (punishable by not more than 20 years), is not changed. However, the new category of child homicide is created where the perpetrator was over the age of 21, the victim was under the age of 18, and the jury finds that the killing, although without malice, was intentional and not accidental. The maximum punishment for child homicide is 30 years.

SB 2383. Effective on passage. Signed 4/24/13.

The Traffic-Safety-School Study Committee is created to provide recommendations and advice concerning whether in-person classroom instruction or online instruction is most effective for traffic-safety violator courses. The study committee is to report its findings to the Governor and the Legislature by December 1, 2013.

SB 2385. Effective 7/1/13. Signed 4/24/13.

This bill creates the new crime of offering a false instrument for recording against a law enforcement officer, public official or public employee. The purpose of the new law is to address the problem commonly referred to as "paper terrorism" which consists of liens being filed against public officials and employees by a person who knows that the lien or encumbrance contains a materially false, fictitious, or fraudulent statement or representation. The people who mount this sort of lien attack typically believe that they are clothed with sovereignty and do not have to pay taxes or obey most laws. Another line of reasoning is that they are entitled to exclusive use of their names (e.g., a person who believes he is entitled to monetary compensation for "use" of his name on a traffic ticket).

The paper attack against perceived foes, many of them judicial or law enforcement officials, by placing fraudulent liens on their property and filing bogus lawsuits, creates financial and legal problems that can take years of effort and thousands of dollars to sort out, clogging the courts in the meantime. This has been a problem on a national scale and has occurred in Mississippi.

A first offense is a misdemeanor punishable by not more than 6 months in jail and a fine not to exceed \$1,000.00. A second or subsequent offense is a felony punishable by not more than 5 years and a fine of not more than \$5,000.00.

SB 2388. Effective 7/1/13. Signed 4/24/13.

This bill amends the exceptions to confidentiality of youth court records under Section 43-21-261 to reinforce that the youth court judge has the discretion to release to a child or to an adult who was formerly the subject of a youth court delinquency proceeding that person's own youth court record if the youth court judge finds that the disclosure is in the best interests of that person. One potential use of the youth court record is to obtain entrance into the military.

SB 2625. Effective 7/1/13. Signed 4/24/13.

This bill provides that from and after July 1, 2013, the state and any county, municipality or other political subdivision may not employ a person who has been convicted or pled guilty in any court of this state, another state, or in federal court of any felony in which public funds were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office or employment or money coming into the person's hands by virtue of the person's office or employment.

SB 2631. Effective on passage. Signed 3/20/13.

This bill creates a domestic violence task force. The purpose of the task force is to research and then provide recommendations for streamlining funding to domestic violence shelters to achieve uniform and objective funding and auditing standards for domestic violence programs, recommending distribution of funds in the Victims of Domestic Violence Fund created under Section 93-21-117, considering the impact, definition, funding and certification of batterer intervention programs, creating standards for confidentiality of client records, updating training requirements for grant monitors, law

enforcement and court personnel, and providing uniform reporting and automation options. The task force will have 26 members to be selected and appointed by various entities. The task force is required to report its legislative recommendations to the Governor and to the 2014 Regular Session of the Legislature no later than October 1, 2013.

HB 90. Effective 7/1/13. Signed 3/25/13.

This bill amends Section 63-1-216 to clarify that an administrative suspension of license under 63-11-23 for an implied consent violation, including DUI test refusal, will result in a person being disqualified from driving a commercial vehicle for one year.

HB 91. Effective on passage. Signed 3/14/13.

This bill provides that the Department of Public Safety will not recognize traffic fines resulting from automated recording equipment or system of another state unless that state is a member of the Driver License Compact. It also provides that the department will not suspend the driver's license of a person who fails to pay a fine to another state unless the state is a member of the compact.

HB 240. Effective 7/1/13. Signed 4/1/13.

This bill amends Section 41-29-176 to authorize the Bureau of Narcotics to use an Internet site for notice purposes for administrative forfeiture under the Uniform Controlled Substances Law if the property sought to be forfeited is under the value of \$10,000.00. The bill has a one-year repeal clause so the Legislature can determine if this is a workable method of providing notice.

HB 279. Effective 7/1/13. Signed 3/14/13.

This bill amends Section 61-9-3 to provide that venue for criminal offenses committed at an airport or navigational facility is in the county where the airport or navigational facility is located. This will make Rankin County the venue for offenses committed at the Jackson-Medgar Wiley Evers International Airport.

HB 613. Effective 7/1/13. Signed 3/18/13.

This bill prohibits the distribution of alternative nicotine products such as electronic cigarettes to minors. A minor is defined as a person under 18 years of age. A first violation results in a fine of \$50.00, and a second violation results in a fine of \$75.00; the fine for a third or subsequent violation is \$100.00. Vendors are required to verify the age of persons buying alternative nicotine products.

HB 673. Effective 7/1/13. Signed 4/25/13.

This bill revises the Anti-Human Trafficking Act to change the title to the Mississippi Human Trafficking Act. Generally, the law currently prescribes only maximum terms of imprisonment and sometimes no fines for violations. This bill amends the law found at Section 97-3-54 et seq. to establish minimum and maximum fines and imprisonment; it also provides for escalation of penalties when a minor victim is involved. The bill provides that consent of a minor victim of sex trafficking is not a defense to any offense involving the procurement of the sexual servitude of a minor and that mistake of age is not a defense.

It clarifies the circumstances under which a business may be held criminally liable under the trafficking laws, prescribes applicable penalties, and provides affirmative defenses for businesses. Reporting to the Department of Human Services and

law enforcement is required when a minor under the age of 18 is identified as a victim of trafficking; a minor who is engaged in trafficking is immune from prosecution for the trafficking offense. The bill also creates as an affirmative defense in a prosecution for trafficking that the person is a victim or was subjected to serious harm or threats of serious harm.

New Section 97-3-54.5 is created to provide that use of an undercover law enforcement operative in trafficking investigations is not a defense to prosecution. New Section 97-3-54.6 will create civil noncriminal injunctive relief against a convicted defendant, which may include shutting down a business, imposing restrictions on future endeavors, requiring suspension or surrender of a professional license, ordering dissolution or reorganization of the enterprise, or ordering forfeiture of the corporate charter or revocation of a license of a foreign corporation to do business in Mississippi. There will be mandatory restitution for victims of trafficking rather than a standard which bases the award of restitution on the defendant's ability to pay; it creates an individual cause of action for the victim against the trafficker. It also provides a mechanism for a victim of trafficking who was convicted to request that the sentence be set aside or vacated. The past sexual history of a victim will generally be inadmissible. Records that would tend to reveal the identity of a victim or a victim's family are to be kept confidential by the law enforcement agency or prosecutors' office.

New Section 97-3-54.7 specifically provides for forfeiture of assets of traffickers with the proceeds of forfeiture divided on a 50%-50% basis, 50% to the law enforcement agency, and 50% to fund the Victims of Human Trafficking Fund. When multiple law enforcement agencies are involved, 25% will go to the

primary agency, with 25% split among the assisting agencies, and 50% will go to the Victims of Human Trafficking Fund.

New Section 97-3-54.8 creates the special fund. Money deposited into this fund will be used to support services for victims of trafficking and to support the efforts to implement the Mississippi Human Trafficking Act. New Section 97-3-54.9 establishes the Statewide Human Trafficking coordinator within the Attorney General's office.

The laws concerning prostitution and procuring prostitution (Sections 97-29-49 and 97-29-51) are amended to more specifically define those offenses and to revise the applicable punishment. Mandatory reporting to the Department of Human Services is required if a minor is arrested and suspected of engaging in prostitution. The bill creates immunity for prosecution for prostitution if the prostitute is identified as a victim of human trafficking under 97-3-54.4. Mistake of age or consent of a minor are not defenses, and a minor defendant who is suspected of promoting prostitution, when identified as a victim of trafficking, will be immune on the prostitution charge; the state of being identified as a victim of trafficking will serve as a mitigating factor if the defendant is an adult. Section 97-5-53, penalties for prostitution, is repealed as the penalties are addressed in the 2 sections describing the proscribed behavior.

Mississippi's RICO statute, Section 97-43-3, is amended to specifically include human trafficking in the list of crimes which can be considered "racketeering activity."

Other sections are also amended. They are: Section 97-5-5, enticing a child for concealment, prostitution or marriage; Section 97-5-7, enticing a child under 18; Section 97-5-27, dissemination of sexually oriented materials to persons under 18 years of age and use of a computer for purpose of

luring or inducing persons under 18 years of age to engage in sexual contact; and Section 97-5-31, definition of "sexually explicit conduct."

Section 99-1-5 is amended to add to the list of crimes for which the general two-year statute of limitations is not applicable to the following: aggravated domestic violence, promoting prostitution when the person involved is a minor, and human trafficking.

HB 686. Effective 7/1/13. Signed 3/18/13.

This bill amends Section 97-45-3 to provide that the definition of "computer network" in the computer fraud law includes the Internet, as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, codified at 47 USCS 230.

HB 709. Effective 7/1/13. Signed 4/25/13.

This bill amends Section 97-3-7 to simplify the elements of the offenses of simple and aggravated domestic violence by repeating the elements of the offenses specifically rather than by reference to the elements of simple and aggravated assault in order to simplify charging and trial of domestic violence offenses.

When committed against a victim in one of the specified domestic relationships, the elements of simple and aggravated domestic violence are as follows: for simple domestic violence, attempting to cause or purposely, knowingly or recklessly causing bodily injury to another; negligently causing bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or attempting by physical menace to put another in fear of imminent serious bodily harm. For aggravated domestic violence, the elements are: attempting

to cause serious bodily injury to another, or causing such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; attempting to cause or purposely or knowingly causing bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or strangling or attempting to strangle the person.

The bill provides that in determining the number of prior simple or aggravated domestic violence convictions for purposes of imposing punishment, the court is to disregard any conviction occurring more than 7 years before the offense in question. Section 99-1-5 is amended to provide that there is no statute of limitations for prosecution of aggravated domestic assault.

HB 710. Effective 7/1/13. Signed 3/20/13.

This bill amends Section 99-41-17 to provide that compensation under the Mississippi Victims' Compensation Act will not be awarded to a victim who causes injury to a child boarding or exiting a school bus in violation of Section 63-3-615, or to a claimant or victim who was under the actual or constructive supervision of a department of corrections for a felony within 5 years before the injury or death for which application is made.

HB 714. Effective 7/1/13. Signed 3/21/13.

This bill amends Section 99-5-25 to revise certain provisions regarding forfeiture of bond. Any felony warrant issued by a court for nonappearance must be put on the National Crime Information Center (NCIC) until the defendant is returned to custody. A copy of a judgment nisi that is set aside must now be served on the surety by personal service or certified mail. Execution upon final judgment is automatically stayed for

90 days from the entry of final judgment. If, at any time before execution of the final judgment, the defendant appears in court either voluntarily or in custody after surrender or arrest, the court on its own motion shall direct that the forfeiture be set aside and the bond exonerated as of the date the defendant first appeared in court.

HB 749. Effective 7/1/13. Signed 3/21/13.

This bill amends Section 83-39-3 to require all applicants for a soliciting bail agent or bail enforcement agent license applying for a license after July 1, 2013, to successfully complete a limited examination for the restricted lines of business.

HB 1043. Effective 7/1/13. Signed 4/25/13.

This bill amends Section 99-19-71 to allow persons who were under the age of 18 when they committed an eligible felony to petition the court in which the conviction was had to expunge one conviction from all public records 5 years after successful completion of all terms and conditions of the sentence for the conviction. The following offenses are not eligible for expunction: rape, sexual assault, murder, manslaughter, carjacking, burglary of a commercial establishment or occupied dwelling, cyberstalking, exploitation of children, armed robbery, and any felony that, in the determination of the circuit court, is a violent crime or a felony that is related to the distribution of a controlled substance. A person is eligible for only one felony expunction.

No public official is eligible for expunction under this section for any conviction related to the person's official duties. This exclusion will also apply to any felony committed as an adult that could otherwise be expunged.

HB 1212. Effective 7/1/13. Signed 3/27/13.

This bill amends Section 63-9-21 to clarify that tickets that are filed electronically are authentic. Such filings are considered to be certified, signed and duly sworn.

HB 1259. Effective 7/1/13. Signed 4/1/13.

This bill is known as the "Lonnie Smith Act" and it amends Section 97-5-39 to revise the elements of felonious child abuse to provide an "intentionally, knowingly or recklessly" standard. The bill adds 3 categories of felonious child abuse which are (a) whether bodily harm results or not, (b) if some bodily harm occurs, and (c) if serious bodily harm occurs. The penalty for (a) and (c) is imprisonment for not less than 5 years and up to life. The penalty under (b) is imprisonment for not less than 2 years nor more than 10 years. Second or subsequent convictions under all 3 categories is imprisonment for life. Nothing in the bill will preclude a parent or guardian from disciplining a child if done in a reasonable manner.

HB 1441. Effective 7/1/13. Signed 3/21/13.

Section 43-21-105 is amended by this bill to define the term "financially able" in the Youth Court Act to mean a parent or child who is ineligible for a court-appointed attorney. This definition would have application as to when the youth court may order financially able parents to pay for court-ordered medical and other examinations and treatment of a child, for reasonable attorney's fees and court costs, and for other expenses found necessary or appropriate in the best interest of the child as determined by the youth court.

HB 1485. Effective 7/1/13. Signed 3/21/13.

This bill amends Section 45-6-11 to revise law enforcement trainee requirements to prohibit a person being appointed or employed as a law enforcement trainee in a full-time capacity for more than one year or in a part-time, reserve or auxiliary trainee capacity for more than 2 years. The restriction of current law that a law enforcement agency may not nullify this restriction by terminating the appointment or employment of the person before the expiration of the time period and then rehiring the person for another period is retained.

HB 1516. Effective 7/1/13. Signed 4/25/13.

This bill amends Section 43-21-615 to provide that whenever a child is adjudicated delinquent and committed by the youth court to the custody of any person or agency other than the custody of a state training school, if the youth court orders that the parent or guardian pay for the support of the child, including any necessary medical treatment, the parent must be provided an itemized bill of all costs and given an opportunity to request an adjustment of the costs.

HB 1519. See summary under Municipalities heading.

PORTS AND MARINE RESOURCES

SB 2528. Effective on passage. Signed 4/1/13.

SB 2528 amends Section 31-5-37 to require contractors who submit bids on public work projects that use funds received by governmental entities resulting from a federally declared disaster or a spill of national significance to certify that they will comply with employment plan requirements and submit a plan within 7 days after the award of a contract. The bill prohibits the contractor and any subcontractor from filling vacant positions necessary for the public works project except with residents of Mississippi who are verified by the Mississippi Department of Employment Security or those qualified persons who are submitted by the Mississippi Department of Employment Security. The contract shall be vacated if the contractor fails to comply with these requirements.

SB 2580. Effective on passage. Signed 3/25/13.

SB 2580 amends Section 49-15-15 to authorize the Commission on Marine Resources to require, in addition to other licensing requirements, the successful completion of educational or training programs on shellfish sanitation as a prerequisite to receiving commercial licenses in order to ensure compliance with the Interstate Shellfish Sanitation Conference's educational requirements for shellfish processors, dealers and harvesters by January 1, 2014.

SB 2781. Effective 7/1/13. Signed 3/11/13.

SB 2781 creates a new code section, Section 59-1-42 that provides that a licensed pilot or pilot trainee providing pilot services pursuant to Section 59-1-41 is not liable for more than \$5,000.00 for damage or loss caused by the licensed pilot's or pilot trainee's error, omission, fault, or neglect in the performance of the pilot services, except for the following:

- Damage or loss that arises because of the willful misconduct or reckless disregard for safety by the licensed pilot or pilot trainee; or
- An act or omission relating to the ownership and operation of a pilot boat unless the pilot boat is directly involved in pilot services other than the transportation of licensed pilots.

The bill does not apply to a vessel operator, captain, master or pilot that is:

- Not required pursuant to Section 59-1-41;
- Operating solely under a federal piloting license; or
- Operating an American vessel laden with coast-wise cargo not destined for a foreign port.

HB 129. Effective 7/1/13. Signed 3/18/13.

HB 129 amends Section 59-5-37 by extending the repealer to July 1, 2016, on the authority of the State Port Authority at Gulfport to use the design-build method of contracting.

HB 417. Effective on passage. Signed 3/25/13.

HB 417 names the Mississippi Department of Marine Resources Pass Christian Oyster Check Station located at the Pass Christian Harbor in Pass Christian, Mississippi, as the Colonel George J. Wright, Sr., Building.

HB 750. Effective 7/1/13. Signed 4/22/13.

HB 750 amends Section 59-11-3 to increase from 2 to 3 the number of members that are appointed from municipalities by the Governor to the Hancock County Port and Harbor Commission. The third member is appointed from the recently incorporated City of Diamondhead.

HB 1072. Effective 7/1/13. Signed 3/20/13.

HB 1072 provides that the limits and boundaries of the territorial waters of the State of Mississippi shall consist of all territory included within the boundaries described in the act of Congress of March 1, 1817, together with all territory ceded to the State of Mississippi by later acts of Congress or by compacts or agreements with other states, as such territory and boundaries may have been or may be modified by the United States Supreme Court which extends 3 miles of Cat Island, Ship Island, Horn Island and Petit Bois Island offshore to 3 Marine Leagues.

HB 1216. Effective on passage. Signed 4/22/13.

HB 1216 authorizes the State of Mississippi to assent to the provisions of the federal Pittman-Robertson Wildlife Restoration Act [16 USCS Section 699 et seq.] and the federal Dingell-Johnson Sport Fish Restoration Act [16 USCS Section 777 et seq.]. The bill also authorizes the Commission on Marine Resources to perform any acts as may be necessary to ensure the conservation of fish and marine life and, provides that revenue from saltwater license sales shall be controlled only by the Department of Marine Resources and used only when exercising responsibilities specific to the management of the state's fish and marine resources for which the department has authority under state law.

PUBLIC HEALTH AND WELFARE

SB 2082. Effective on passage. Signed 4/16/13.

This bill authorizes the State Board of Medical Licensure to waive the five-year limitation on limited institutional licenses for any graduate of a foreign medical school who holds that license.

SB 2133. Effective on passage. Signed 4/24/13.

This bill creates the Erin's Law Study Committee for the purpose of studying the possibility of creating and implementing a curriculum for the prevention of sexual abuse of children in the State of Mississippi.

SB 2202. Effective 7/1/13. Signed 3/7/13.

This bill defines "emergency medical technician-paramedic critical care" regarding the authority of the State Department of Health to promulgate rules and regulations for advanced life-support personnel. "Emergency medical technician-paramedic critical care" shall be a person who is licensed as a Mississippi Emergency Medical Technician Paramedic, and has successfully completed a critical care paramedic program recognized by the Bureau of Emergency Medical Services and the Mississippi State Department of Health.

SB 2209. Effective 7/1/13. Signed 4/1/13.

This bill requires health insurance plans in this state (including the state health plan) to provide coverage for telemedicine services to the same extent that the services would be covered if they were provided through in-person consultation. The bill authorizes health care practitioners licensed in this state to provide treatment recommendations to a patient after having performed an appropriate examination of the patient through telemedicine. "Telemedicine" means the delivery of health care services such as diagnosis, consultation, or treatment through the use of interactive audio, video, or other electronic media. Telemedicine must be "real-time" consultation, and it does not include the use of audio-only telephone, e-mail or facsimile.

All health insurance plans in this state must provide coverage for telemedicine services to the same extent that the services would be covered if they were provided through in-person consultation. A health insurance plan may charge a deductible, co-payment, or coinsurance for a health care service provided through telemedicine so long as it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation. A health insurance plan may limit coverage to health care providers in a telemedicine network approved by the plan.

SB 2210. Effective 7/1/13. Signed 3/18/13.

This bill requires that the Department of Human Services file each individual administrative income withholding notice with the court is deleted by amending Section 93-11-103. The extra requirement that the court receive all the notices is not necessary because DHS is already required to serve each order for withholding on the obligor's payor, superintendent, manager, agent or subsequent payor, as is applicable in a particular case. Current law already requires the court to enter an order for withholding with each child support order, which makes filing administrative notices of withholding unnecessary.

SB 2302. Effective 7/1/13. Signed 4/16/13.

This bill removes the maximum limitation on the number of students who may be admitted to the Mississippi Rural Physicians Scholarship Program each year and provides that not less than 15 students will be admitted to the program each year.

SB 2338. Effective 7/1/13. Signed 3/18/13.

This bill provides that child support guidelines are presumed to be reasonable for adjusted gross income within a certain income range. In cases in which the adjusted gross income is more than \$100,000.00 or less than \$10,000.00, the court shall make a written finding in the record as to whether or not the application of the guidelines established in this section is reasonable.

SB 2342. Effective 7/1/13. Signed 3/25/13.

This bill authorizes the Department of Mental Health to contract for the transfer of beds to other private or public entity settings more appropriate for clients, and to specify that the license shall remain in the name of the department. Any license granted to the Department of Mental Health by the Department of Health for the operation of transferred Intermediate Care Facility for the Mentally Retarded beds shall remain in the name of the Department of Mental Health and shall not be transferred into the name of the contractor unless the contractor has received the appropriate certificates of need.

SB 2670. Effective 7/1/13. Signed 4/25/13.

This bill extends the date of the repealers on the Mississippi Department of Mental Health Best Practices Committee and on the provision that authorizes the State Board of Mental Health to supervise, coordinate and establish standards for all operations and activities of the state related to mental health and providing mental health services. The bill codifies Section 41-4-10, Mississippi Code of 1972, to prescribe the membership and responsibilities of the Mental Health Strategic Planning and Best Practices Committee. The committee is charged with the responsibility to work with the Mississippi Department of Mental Health and the Regional Community Mental Health and Intellectual Disability Commissions to produce the state strategic plan as required in Section 41-4-7(d).

SB 2687. Effective on passage. Signed 3/18/13.

This bill reserves to the Legislature any regulation of consumer incentive items and nutrition labeling for food that is a menu item in restaurants, food establishments and vending machines, and specifies that the act would not affect the federal regulation of nutrition labeling under existing federal law. The regulation of consumer incentive items and nutrition labeling for food and nonalcoholic beverages that are menu items in restaurants, retail food establishments, and vending machines is reserved to the Legislature and may be regulated only by legislation of statewide application enacted after the effective date of this act. The regulation of the provision of food nutrition information and consumer incentive items at food service operations and how food service operations are characterized are matters of general statewide interest that require statewide regulation, and rules adopted under this section constitute a comprehensive plan with respect to all aspects of the regulation of the provision of food nutrition information and consumer incentive items at food service operations in this state. Rules adopted under this act shall be applied uniformly throughout this state. No political subdivision shall enact, adopt or continue in effect local legislation relating to the provision or nonprovision of food nutrition information or consumer incentive items at food service operations.

SB 2737. Effective 7/1/13. Signed 3/27/13.

This bill reenacts until July 1, 2018, Sections 73-67-1 through 73-67-37, Mississippi code of 1972, which is the Mississippi Professional Massage Therapy Act. The bill requires massage therapy licenses to be prominently displayed and requires applicants to complete a criminal background check and fingerprinting for licensure. Eligibility requirements to take an examination approved by the board are set by the organization that is responsible for establishing and maintaining the examination. An applicant for licensure must also successfully complete the Mississippi State Law Examination. The bill clarifies reciprocity provisions and provides exemptions from advertising restrictions for licensees. The bill clarifies with 6 or more therapists certain standards for massage therapy schools. An existing accredited massage school that loses its accreditation will have 3 years from the date of loss of its accreditation to show conformance with the accreditation requirements.

SB 2780. Effective 7/1/13. Signed 4/24/13.

This bill creates a lien in favor of providers of burn care:

- Provides the procedure to perfect the lien;
- Provides for the filing of the lien;
- Provides address releases and covenants not to sue;
- Provides that this act is not applicable to funds due under the Workers' Compensation Law;
- Addresses settlements and releases entered into before entering a facility providing burn care;
- Provides that this act does not provide an independent right of action;

- Provides that giving a false affidavit shall be perjury.

In order to perfect the lien provided for in this act, the operator of the qualifying hospital or qualifying practice: (a) shall, not less than 15 days before the date of filing the statement required, provide written notice to the patient and the legal representative of the patient, if applicable, and, to the best of the operator's knowledge, the persons, firms, corporations and their insurers claimed by the injured person or the legal representative of the injured person to be liable for damages arising from the injuries and shall include in the notice a statement that the lien is not a lien against the patient or any other property or assets of the patient and is not evidence of the patient's failure to pay a debt. The notice shall be sent to all those persons and entities by first-class, certified mail or statutory overnight delivery, return receipt requested; and (b) shall file in the office of the clerk of the chancery court of the county in which the qualifying hospital or qualifying practice is located and in the county in which the patient resides, if a resident of this state, a verified statement setting forth the name and address of the patient as it appears on the records of the qualifying hospital or qualifying practice; the name and location of the qualifying hospital or qualifying practice, and the name and address of the operator thereof; the dates of admission and discharge of the patient from the qualifying hospital, or with respect to a qualifying practice, the dates of treatment; the amount claimed to be due for the qualifying hospital or qualifying practice; and certification that the amount claimed is for treatment of uncompensated traumatic burn care, which statement must be filed within the following time period: if the statement is filed by a qualifying hospital, then the statement shall be filed within

75 days after the person has been discharged from the facility; or if the statement is filed by a qualifying practice, then the statement shall be filed within 90 days after the person first sought treatment from the practice for the injury.

SB 2795. Effective 7/1/13. Signed 4/25/13.

The purpose of Senate Bill 2795 is to protect the health and welfare of women considering drug-induced abortions. It ensures that physicians providing drug-induced abortions are only doing so in the way that the U.S. Food and Drug Administration (FDA) has approved. It is a commonsense regulation rooted in the state's interest in protecting the health of women.

The U.S. Supreme Court has continually affirmed states' interests in protecting the health and welfare of women. In Gonzales v. Carhart, the court reaffirmed a principle that had been stated in Roe v. Wade and also reaffirmed in Planned Parenthood v. Casey: the principle that the state has legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the fetus.

Further, the Supreme Court has stated that state and federal legislatures are given "wide discretion to pass legislation in areas where there is medical and scientific uncertainty."

Below is a summary of each section:

Section 2 lists the Legislature's findings and demonstrates that women's lives are at risk when abortion-inducing drugs, like the Mifeprex regimen (or RU-486), are misused. Abortion providers admit to providing the Mifeprex regimen past the 49-day limit set by the FDA; they also defy the FDA protocol by sending women home with the second drug in the Mifeprex regimen, instructing them to self-administer, vaginally or buccally

(neither of which is approved by the FDA), and away from medical care. FDA reports show that 8 women have died from bacterial infections after using the Mifeprex regimen in a way that was not approved by the FDA (7 women used the second drug in the regimen vaginally; 1 woman used it buccally); but not a single woman has died from bacterial infection after using the Mifeprex regimen in the way approved by the FDA.

Section 3 sets out clear definitions of the terms used, leaving no guesswork as to what the legislation requires.

Section 4(1) requires that abortion-inducing drugs be provided only by a physician. This requirement is in line with the Mifeprex Final Printed Label (FPL), which states that administration should be administered by or under the supervision of a physician. It is a commonsense regulation drafted for the protection of women.

Section 4(1) also requires that the physician administer the abortion-inducing drug in the way in which it was approved by the FDA and as outlined in the drug's FPL. This requirement ensures that the drug is administered only in the way it was approved by the FDA. It ensures that an abortion provider does not use a dangerous "evidence-based protocol." As stated in Gonzales v. Carhart, laws need not give abortion providers unfettered choice in the course of their practice. Further, by referencing the FPL, this provision ensures that physicians know exactly what regimen they are to follow; they simply need to follow the dosage and administration instructions in the FPL.

Section 4(2) requires that the physician examine the woman prior to administering the abortion-inducing drug. In order to assess the location and age of a pregnancy and ensure that there are no contraindications, the woman must be examined. This provision also ensures that the physician administering the

drugs is in the physical presence of the woman, and not at an off-site location.

Section 4(3) requires that a woman be provided with the drug label. As part of complete informed consent, a woman should be provided with the drug facts provided by the FDA.

Section 4(4) requires that the physician administering the abortion-inducing drug have a signed contract with a physician who will handle complications. Even at 49 days' gestation, the Mifeprex FPL states that it was only 92.1% effective in the U.S. clinical trial—meaning that it fails in 8% of women who must then undergo surgical abortions. Further, excessive bleeding is common. It is commonsense that a physician administering an abortion-inducing drug have a plan for handling complications or drug failure.

Section 4(4) also requires that the woman shall receive the name and telephone number of the physician who will handle emergencies and the hospital at which emergencies will be handled. The risks of abortion-inducing drugs are substantial, and the complications are numerous and frequent. As part of proper informed consent, and in the interest of protecting women, women obtaining abortion-inducing drugs need to be given this important information.

In addition, Section 4(4) requires that the physician who contracts to handle emergencies have active admitting privileges and gynecological/surgical privileges at the hospital. Again, even at 49 days' gestation, the Mifeprex FPL states that it was only 92.1% effective in the U.S. clinical trial—meaning that it fails in 8% of women who must then undergo surgical abortions. Further, excessive bleeding is common, and numerous women have required blood transfusions following use of the Mifeprex regimen. It is commonsense that a physician handling any

complications maintain admitting privileges and be able to actually provide care for women experiencing such complications.

Section 4(5) requires that a physician or agent schedule the patient for a follow-up appointment and make all reasonable efforts to ensure that the patient return approximately 14 days after the use of the abortion-inducing drug. The Mifeprex FPL makes clear that women should return approximately 14 days after a drug-induced abortion to determine whether the abortion is complete and to assess bleeding. The provision is outlined in the drug label and protects the health and welfare of the woman. Further, it only requires an appointment to be scheduled and a reasonable effort made by the physician or agent to ensure that the woman returns; it does not require the physician to go to great lengths to mandate the woman's return.

Section 5 requires that a physician provide a written report of adverse events. In order to best protect women, it is necessary for the state to evaluate the effectiveness and safety of a drug and to regulate accordingly. Through confidential reporting, a state can monitor abortion-inducing drugs, their usage, and their complications. Further, the more information the state gathers, the more informed women will become before choosing a drug-induced abortion.

Sections 6 and 7 provide criminal and civil penalties, respectively.

Section 8 makes clear that the bill is not to be construed as creating or recognizing a right to abortion, nor is it to be construed to make lawful an abortion that is not currently lawful.

Section 9 allows a court to sever sections or parts of the bill that are ruled unconstitutional and allow the remaining sections or parts to go into effect.

These requirements are not intended to pose an undue burden on women, or prevent women from seeking and undergoing abortions. Instead, these requirements seek to protect women from the substantial risks accompanying the misuse of abortion-inducing drugs. Even if a woman's pregnancy is past the 49 days' gestation allowed under the FDA protocol for the Mifeprex regimen, there are other abortion alternatives available to her, a point that precipitated, in part, by the U.S. Supreme Court's decision in Gonzales v. Carhart, upholding a ban on a specific abortion procedure (partial-birth abortion).

HB 69. Effective 7/1/13. Signed 3/21/13.

This bill extends to July 1, 2015, the date of the repealer on those statutes providing for the registration of medical radiation technologists by the State Department of Health.

In addition, the bill makes the following changes to those statutes:

- Revises the definition of "limited x-ray machine operator."
- Revises the membership of the Medical Radiation Advisory Council to delete one member.
- Provides that documentation of continuing education requirements will be submitted to the State Board of Medical Licensure instead of the State Department of Health.

HB 125. Effective 7/1/13. Signed 4/1/13.

This bill extends to July 1, 2018, the date of the repealer on the Child Death Review Panel. In addition, the bill revises the membership of the panel by deleting one member and adding new members from 3 organizations.

HB 134. Effective 7/1/13. Signed 3/21/13.

This bill extends to July 1, 2016, the date of the repealer on the provision that authorizes the issuance of a temporary license to certain applicants for licensure as a physician assistant.

HB 301. Effective 7/1/13. Signed 4/23/13.

This bill requires health insurance issuers to use only a single, standardized prior authorization form for obtaining any prior authorization for prescription drug benefits. The form must not exceed 2 pages in length, excluding any instructions or guiding documentation. The form shall also be made available electronically, and the prescribing provider may submit the completed form electronically to the health benefit plan, which includes Medicaid fee-for-service program and any managed care program, coordinated care program, coordinated care organization program or health maintenance organization program implemented by the Division of Medicaid. Additionally, the health insurance issuer shall submit its prior authorization forms to the Mississippi Department of Insurance to be kept on file on or after January 1, 2014. A copy of any subsequent replacements or modifications of a health insurance issuer's prior authorization form shall be filed with the Mississippi Department of Insurance within 15 days prior to use or implementation of such replacements or modifications.

A health insurance issuer shall respond within 2 business days upon receipt of a completed prior authorization request from a prescribing provider that was submitted using the standardized prior authorization form required by the bill.

HB 411. Effective on passage. Signed 4/25/13.

This bill prohibits the State Department of Health from processing any new applications for hospice licensure or issuing any new hospice licenses, except renewals, unless the application was pending on March 1, 2013. In addition, the bill extends the date of the repealer on this provision to July 1, 2015.

HB 482. Effective 7/1/13. Signed 3/25/13.

This bill creates the Mississippi Interagency Council on Homelessness which is tasked with studying, establishing, developing and implementing a plan to reduce homelessness that includes a strong focus on the needs of homeless children, youth and families, as well as individuals and veterans who are homeless.

The council is composed of the following members:

- A representative from the Office of the Governor;
- The Chairperson, or his designee, of the Youth and Family Affairs Committee of the House of Representatives and the Chairperson, or his designee, of the Housing Committee of the Senate;
- The Executive Director of the Department of Health and Human Services, or his designee;
- The Executive Director of the Department of Mental Health, or his designee;
- The Executive Director of the Mississippi Development Authority, or his designee;
- The State Superintendent of Education, or his designee;
- A representative of Partners to End Homelessness;
- A representative of Mississippi United to End Homelessness;

- A representative of Open Doors Counseling Center;
- A representative of a school district that is working on the McKinney-Vento Homeless Education Assistance Act;
- A representative of the Mississippi Campaign to End Child Homelessness;
- Two directors from homeless and domestic violence emergency shelters;
- A youth who is or has been homeless;
- A representative of the Oakley Youth Development Center;
- The Executive Director of the State Veterans Affairs Board, or his designee;
- The Executive Director of Hope Enterprises, or his designee; and
- A representative from a community action agency.

The council is charged with making an annual report to the Governor, the House of Representatives, the Senate and the public regarding its progress in meeting its goals and objectives.

HB 719. Effective 7/1/13. Signed 4/23/13.

This bill reenacts the Mississippi Individual On-Site Wastewater Disposal System Law and extends to July 1, 2018, the date of the repealer on the law.

In addition, the bill makes the following changes to that law:

- Revises the definitions of "advanced treatment system," "centralized wastewater treatment system," "certified pumper," "final approval," "notice of intent" and "qualified homeowner maintenance provider," and adds new definitions for "cluster

system," "decentralized wastewater treatment system,"
"effluent," "permit/recommendation," "plot plan" and "septage."

- Revises the general powers and duties of the State Board of Health and the State Department of Health regarding individual on-site wastewater disposal systems, as follows:

- ▶ Removes their supervisory authority over the construction of systems and their authority to provide certification for persons engaging in the business for hire of the construction of systems.

- ▶ Provides for certification of persons engaging in the business for hire of the operation and maintenance of systems.

- ▶ Provides for certification of pumpers and manufacturers.

- ▶ Requires that all rules and regulations adopted under the law must give maximum flexibility to persons installing individual on-site wastewater disposal systems and all options consistent with the federal Clean Water Act.

- Revises the authority of the department for determining the feasibility of establishing centralized wastewater treatment systems, as follows:

- ▶ Whenever a developer requests a determination of feasibility, the department must make the determination within 30 days after receipt of the preliminary design and feasibility study from the developer.

- ▶ If the department does not make a determination within 30 days, all sites within the subdivision will be approved, if a certified installer attests or a department environmentalist determines that each site can be adequately served by an individual on-site wastewater disposal system.

- Provides that when the department makes recommendations to the owner, lessee or developer of the type or types of individual on-site wastewater disposal systems that are suitable for installation on the lot or tract, the recommendations must give the owner, lessee or developer maximum flexibility and all options consistent with the federal Clean Water Act.

- Provides that whenever a developer requests a determination of suitability of individual on-site wastewater disposal systems in a subdivision, the department must make the determination within 30 days after receipt of all necessary information needed for the determination of suitability from the developer.

- Provides that any lot or tract that is 2 acres or larger is exempt from (a) the requirements of the law and regulations relating to approval of individual on-site wastewater disposal systems by the department, and (b) the provision of the law that prohibits public utilities supplying water from making a connection to any house, mobile home or residence without the prior written approval of the department certifying that the plan for the sewage treatment and disposal system at the location of the property complies with the law, provided that:

- ▶ All wastewater is contained on the lot or tract;
 - ▶ No watercourse of Mississippi or the United States is impacted; and

- ▶ The person who installed the individual on-site wastewater disposal system provides the department with a signed affidavit attesting that the 2 preceding requirements are met.

- Revises the requirements for when individual on-site wastewater disposal systems will be considered acceptable.

- Provides that all existing individual on-site wastewater disposal systems on July 1, 2014, are grandfathered in until a valid complaint is registered with a county department of health or until a property owner requests an inspection by the department.

- Provides that advanced treatment systems may be installed only if they have been tested and are listed by an American National Standards Institute (ANSI) third-party certifying program at the time of installation.

- Revises the provisions governing when individual on-site wastewater disposal systems may be approved in an area where those systems otherwise would not be approved because of the availability or feasibility of connection to a centralized wastewater treatment system.

- Provides for a fee for the annual certification of pumpers.

- Requires manufacturers of components used in an individual on-site wastewater disposal system to be registered with the department, and provides for a monetary penalty for persons who operate as a manufacturer without certification by the department.

- Revises the requirements for certification as a pumper to include a requirement for satisfactorily completing the certified pumper training program provided by the department, and directs the department to provide for the annual renewal of certifications of pumpers.

- Creates the Wastewater Advisory Council for the purpose of advising the department regarding individual on-site wastewater disposal systems.

HB 720. Effective 7/1/13. Signed 3/20/13.

This bill amends Section 93-9-15 to change a reference to the Uniform Reciprocal Enforcement of Support Act to the Uniform Interstate Family Support Act.

HB 776. Effective 7/1/13. Signed 3/20/13.

This bill creates the Mississippi Rural Dentists Scholarship Program for the purpose of identifying qualified university and college students from rural areas of the state for dental school matriculation.

- The scholarship program will consist of 3 distinct phases through which participants will progress, which are undergraduate pre-dental education, dental school and residency, and initial entry into dental practice in a rural or underserved area of the State of Mississippi.

- The scholarship program will be administered by a commission to be known as the Mississippi Rural Dentists Scholarship Commission, which will be directed by a board composed of 9 members.

- The scholarship commission will have the following powers and duties:

- ▶ Developing the administrative policy for the commission and the scholarship program.

- ▶ Promulgating rules and regulations, with the advice and consent of the University of Mississippi Medical Center, pertaining to the implementation and operation of the scholarship program.

- ▶ Designating areas of the state as underserved or rural.

- The scholarship commission is directed to develop and implement policies and procedures designed to recruit, identify and enroll undergraduate students who demonstrate necessary interest, commitment, aptitude and academic achievement to pursue careers as dentists in rural or dentally underserved areas of Mississippi, and to develop and implement the programs designed to foster successful entry of participants into dental school, completion of dental school, and establishment and maintenance of a career in dentistry in a rural or underserved area of Mississippi.

- Up to 3 students will be admitted to the scholarship program each year.

- Students in the scholarship program may receive tuition or other financial support that may be provided by the commission. If a student in the scholarship program is admitted to and completes dental school, any tuition or other educational and living support provided to the student by the commission will be forgiven.

- However, if the student is not successful in being accepted into dental school within 3 years of entry into the scholarship program, or if the student otherwise breaches his or her agreement with the commission, all financial assistance provided to the student must be repaid.

- Subject to the availability of funding, students in the scholarship program who successfully matriculate to dental school are eligible for ongoing financial support. The number of students to be supported at the University of Mississippi School of Dentistry and at other schools will be established by the commission.

- Subject to the availability of funding, students enrolled at the University of Mississippi School of Dentistry may receive tuition support and funding to assist with the cost of books and a living stipend.

- Upon completion of dental school and/or a dental residency program approved by the commission, a participant in the scholarship program must proceed to enter the full-time practice of dentistry in a rural or underserved area in Mississippi.

- For each year that a student in dental school receives financial assistance, the student is obligated for one year of practice as a dentist in a rural or underserved area in Mississippi. Breach of the agreement at any stage of training will require the repayment of all financial assistance provided to the student through the scholarship program along with other penalties prescribed by the commission.

HB 777. Effective 7/1/13. Signed 4/25/13.

This bill extends to July 1, 2016, the date of the repealers on the statutes relating to the licensure and regulation of pharmacy benefit managers.

In addition, the bill conforms the definitions of "pharmacy benefit manager" and "pharmacy benefit management plan" in the Pharmacy Benefit Prompt Pay Act to the definitions in the Pharmacy Audit Integrity Act, with the following exceptions in the Pharmacy Benefit Prompt Pay Act:

- Through June 30, 2014, the term "pharmacy benefit manager" will not include an insurance company that provides an integrated health benefit plan and that does not separately contract for pharmacy benefit management services.

- From and after July 1, 2014, the term "pharmacy benefit manager" will not include an insurance company unless the insurance company is providing services as a pharmacy benefit manager, in which case the insurance company will be subject to the Pharmacy Benefit Prompt Pay Act only for those pharmacy benefit manager services.

- The term "pharmacy benefit manager" will not include the pharmacy benefit manager of the Mississippi State and School Employees Health Insurance Plan or the Mississippi Division of Medicaid or its contractors when performing pharmacy benefit manager services for the Division of Medicaid.

HB 1162. Effective 7/1/13. Signed 3/26/13.

This bill reenacts the Acupuncture Practice Act and extends to July 1, 2017, the date of the repealer on that act. In addition, the bill requires all applicants for licensure to undergo a fingerprint-based criminal history records check.

HB 1164. Effective 7/1/13. Signed 4/23/13.

This bill reenacts the statutes that create the State Board of Cosmetology and prescribe its duties and powers and extends to July 1, 2017, the date of the repealer on those statutes.

In addition, the bill makes the following changes to those statutes:

- Clarifies and revises the definitions of several terms used in the cosmetology laws.
- Authorizes the board to issue a temporary permit to any student who has completed the prescribed hours in a licensed school and paid the required fee.
- Authorizes master manicurist and esthetician licenses.

- Removes certain exemptions for hiring and training faculty at nationally accredited schools.
- Clarifies the admission requirements that schools must follow on aptitude tests in admitting students.
- Removes certain requirements of evidence of national accreditation for private business and vocational schools.
- Clarifies the adoption of regulations on the use of electric nail files for filing false or natural nails.
- Revises the provisions for licensure of instructors by reciprocity.
- Prohibits licensees with a communicable disease or infection from practicing cosmetology until their condition is no longer communicable.
- Repeals the sections relating to wig specialists and wig salons.

HB 1169. Effective 7/1/13. Signed 3/25/13.

This bill extends to July 1, 2016, the date of the repealer on the provision that authorizes participation in group purchasing programs by certain public hospitals and regional mental health centers.

HB 1208. Effective 7/1/13. Signed 4/25/13.

This bill requires that each license issued by the State Board of Cosmetology contain a head photograph of the license holder, the person's name, and the type of license held by the person.

PUBLIC PROPERTY

SB 2418. Effective on passage. Signed 3/7/13.

This bill authorizes the Executive Director of the Mississippi Department of Transportation to donate approximately 54 acres of real property located in Perry County, Mississippi, to either the United States Forest Service or another appropriate federal agency.

SB 2446. Effective on passage. Signed 3/7/13.

This bill involves two property transfers. In the first transfer, the Department of Wildlife, Fisheries and Parks is authorized to transfer property located in Leflore County, Mississippi, to the State Veterans Affairs Board. The State Veterans Affairs Board will use this property to establish another state veterans' cemetery.

The second transfer authorizes the Department of Finance and Administration to donate real property located in Warren County, Mississippi, to the National Park Service.

HB 132. Effective on passage. Signed 4/23/13.

This bill conveys certain real properties in the state to various entities.

Section 1 of the bill approves the May 3, 2011, conveyance of 4 tracts of property containing in the aggregate, 370 acres, more or less, by the Mississippi Department of Human Services to the Marion County Economic Development District.

Section 2 of the bill amends Section 1, Chapter 553, Laws of 2012, to authorize the Department of Finance and Administration, acting on behalf of the Mississippi Department of Human Services and the State of Mississippi, to convey and

transfer approximately 160 acres of real property and any improvements thereon, located at Columbia Training School to the Board of Supervisors of Marion County, Mississippi.

Section 3 of the bill stipulates that the property conveyed to the entities in Marion County shall be transferred without any assumption of liability or financial responsibility by the State of Mississippi for any known or unknown environmental defects contained thereon, and the receiving entities indemnify the state therefrom. The entities are authorized to harvest and sell any timber located on those parcels of real property transferred under those sections and shall use the revenue generated from such sale or sales to fund the costs associated with removal and containment of any environmental defects located thereon, with any additional revenue remaining unexpended for such purposes to be deposited in the county's general fund.

Section 4 of the bill authorizes the Town of Oakland, Mississippi, to donate certain real property, transferred to the Town of Oakland by the Office of the Secretary of State through an intergovernmental transfer of tax-forfeited lands as provided for under Section 29-1-1, to a certain individual who expended monies for the improvement and renovation of the dwelling situated on the property as a condition of the full payment of the indebtedness owed on the property by that individual, without further consideration.

HB 987. Effective on passage. Signed 3/20/13.

This bill renames the Mississippi State Veterans' Home located in Kosciusko, Mississippi, as the "Brigadier General Martha Jo Leslie Mississippi State Veterans' Home."

HB 1258. See summary under Highways and Transportation heading.

HB 1265. Effective on passage. Signed 3/20/13.

This bill requires each agency, department, community or junior college and public institution of higher learning of the State of Mississippi to file a report of transactions for all conveyances of real property, whether purchased, sold, leased, donated or acquired as a gift or through the process of eminent domain, to the Department of Finance and Administration Bureau of Building, Grounds and Real Property at a minimum of once a year.

HB 1266. See summary under Energy heading.

TOURISM

SB 2183. See summary under Economic Development heading.

SB 2463. Effective 7/1/13. Signed 4/25/13.

The tourism project sales tax incentive program is administered by the Mississippi Development Authority. The program provides a rebate to certain tourism projects of the amount of sales tax collected at a project until the earlier of:

- The date that 30% of the approved project costs incurred by a participant has been paid to the participant; or
- 10 years after the date the tourism project opens for commercial operation.

This bill revises the term "tourism project" for purposes of the rebate to include a tourism attraction located within a historic district where the district is listed in the National Register of Historic Places, where the tourism attraction is open to the public, has seating to accommodate at least 40 persons, is open at least 5 days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least 3 nights per week.

The bill also increases from 10 to 15 years the maximum period of time after the tourism project opens for commercial operation that the rebate may be paid to a participant in the program.

HB 135. Effective 7/1/13. Signed 3/25/13.

This bill amends the section of law pertaining to the Southern Arts and Entertainment Center in Meridian, Mississippi, as follows:

- Conforms the law to the center's name change to the Mississippi Arts and Entertainment Center.
- Expands the purpose of the center to provide that it will capture the essence of Mississippi's legacy in the arts and celebrate the richness and depth of that legacy and the Mississippians who created it with the world.
- Provides that the center be a state-of-the-art facility which may include, but not be limited to, MAEC exhibits, a state-sanctioned Mississippi Arts and Entertainment Hall of Fame inducting icons in all genres of arts and entertainment, Walk of Fame, auditorium, outdoor performance plaza, and broadcast/recording facility. The center will prove a vast educational resource for individuals and educators offering unparalleled insight into the lives and stories of Mississippi arts and entertainment treasures through seminars, workshops and demonstrations by guest professionals and amateur artists.
- Deletes the prohibition against state funds or other state resources being used for the center unless specifically authorized by the Legislature for that purpose.

UNIVERSITIES AND COLLEGES

SB 2499. Effective 7/1/13. Signed 3/8/13.

This bill amends Section 75-76-34 to authorize state universities and community colleges to offer courses related to gaming management, casino hospitality services, cage and count operations, and slot machine maintenance. These courses may be offered only in counties where gaming is legally conducted. The state's Gaming Commission must approve equipment used in slot machine maintenance training courses, but it will not regulate other aspects of the courses offered by state universities or community colleges.

The bill also amends Section 37-101-13 to require the Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community colleges to include gaming and related programs in a comprehensive study on the role and scope of programs offered at state schools.

Finally, the bill makes conforming amendments to Sections 75-76-55, 37-26-1 and 37-29-63.

SB 2786. Effective 7/1/13. Signed 3/12/13.

Senate Bill 2786 revises and expands the Mississippi Propriety School and College Registration Law.

Section 1 redefines "program of study" and "agent" and defines the following words and phrases: correspondence education, distance education, general education course, nontechnical course, occupational degree, institution and technical course.

Section 2 amends Section 75-60-4 to revise the qualifications for members appointed by the Mississippi Community College Board to the Commission on Proprietary School

and College Registration. Now, the board may appoint a member who retired from a teaching or managerial position at an educational institution. Section 2 also adds the requirement that the chairperson selected by commission members not be actively engaged with a privately owned school.

Section 3 makes two amendments to Section 75-60-5. The first exempts schools or courses of instruction under the jurisdiction of the State Board of Nursing from the proprietary school registration requirements. The second deletes the provision of law that allowed nationally accredited schools to follow national standards instead of state standards for hiring and training their faculty members.

The bill amends Section 75-60-11 by deleting the subsection that allowed nationally accredited schools to submit evidence of national accreditation status rather than other application requests required under this registration law.

Section 5 revises Section 75-60-19 to require a school to notify its students of their right to file a complaint with the commission if they have been aggrieved by any action that would have been reason for the commission to suspend, revoke or cancel the school's certificate of registration. The existence of an arbitration clause does not affect the student's right to file this complaint.

Sections 6-7 clarify and amend Sections 75-60-23 and 75-60-25. The former makes clear that any person who recruits for a proprietary school must register with the Commission as an agent. The latter now requires that a recruitment agent's permit include the campus location of the school for which the agent recruits.

The last section of the bill codifies minimum qualifications for classroom instructors in the new Section 75-60-45. Section 75-60-45 bases qualifications on whether the instructor teaches academic, technical or apprenticeship trade courses.

Academic course instructors must hold at least a bachelor's degree with appropriate coursework in the teaching discipline from an accredited institution and one of the following:

- At least 18 semester credit hours from an accredited institution in the subject area being taught; or
- At least 12 semester hours in methods and techniques of teaching.

Technical course instructors must hold a high-school diploma or an equivalent diploma and one of the following:

- A degree, certificate or license in the subject area or a related field;
- A minimum of 18 semester hours of credit in mathematics, science or courses related to the subject area from an accredited institution; or
- A minimum of three-years' work experience in the technical area or a related field.

Apprenticeship trade course instructors must hold either a high-school diploma or an equivalent diploma and the following:

- A minimum of three-years' work experience above the students' level in the trade to be taught; and
- Recognized standing as a tradesman or specialist supported by evidence from previous employers.

SB 2811. Effective on passage. Signed 3/20/13.

This bill authorizes the Department of Finance and Administration, on behalf of the Board of Trustees of State Institutions of Higher Learning, to sell and convey real property in Jackson County, Mississippi, that is used by the University of Southern Mississippi. Proceeds from the property sale will be deposited into USM's M.M. Roberts Endowment Fund.

HB 317. Effective 7/1/13. Signed 3/25/13.

This bill authorizes the board of trustees of any community college to waive out-of-state tuition if a local industry or business or a state agency agrees to reimburse the college for the waived tuition. State funds will be appropriated and spent only on students who reside within the State of Mississippi, but associate degree nursing students who reside outside the state will continue to be counted for pay purposes.

HB 425. Effective on passage. Signed 3/26/13.

This bill revises the requirements for student tuition assistance grants to require students to complete 17-1/2 units of courses from the College Preparatory Curriculum approved by the Board of Trustees of State Institutions of Higher Learning. Additionally, students must complete one unit of art and one additional advanced elective unit.

HB 508. Effective 7/1/13. Signed 3/25/13.

This bill creates new code Section 37-113-20, which authorizes the usage of one or more wireless communication devices for faculty members or agents of the Mississippi State University Extension Service if the usage is authorized by the following:

- The Mississippi State University Extension Service Director;
- The Mississippi State University Agricultural and Forestry Experiment Station Director;
- The Mississippi State University Forestry and Wildlife Research Center Director; or
- The Dean of the Mississippi State University College of Veterinary Medicine.

Before the wireless communication devices may be utilized, the directors, or their designees, must sign a statement certifying the need or purpose for issuing the devices. Additionally, the bill amends Section 25-53-191 to exempt the above divisions of Mississippi State University from the Mississippi Department of Information Technology's requirements related to the use of wireless communication devices assigned or issued to state employees.

HB 826. Effective 7/1/13. Signed 4/23/13.

This bill creates the Strengthening Mississippi Academic Research Through Business Act.

The bill authorizes a rebate to an investor equal to 25% of the investor's qualified research costs. An investor incurring research costs may not claim a rebate greater than \$1,000,000.00 in any fiscal year. The total amount of rebates issued under the Strengthening Mississippi Academic Research Through Business Act in any fiscal year may not exceed \$5,000,000.00.

An investor desiring to apply for a rebate must submit an application to the Board of Trustees of State Institutions of Higher Learning in Mississippi (IHL). Within 60 days of receiving an application, IHL will issue or refuse to issue a SMART Business certificate. If IHL issues a SMART Business certificate, the certificate must include the amount of the rebate the investor is eligible to claim. IHL must notify the Department of Revenue when a SMART Business certificate is issued.

To claim a rebate, an investor must submit a rebate allocation claim to the Department of Revenue. The rebate allocation claim must include the SMART Business certificate issued by IHL and proof of payment to the college or research corporation for qualified research conducted according to the research agreement. The Department of Revenue may request an audit from an investor submitting a rebate allocation claim, at the investor's expense, to verify the investor has satisfied the requirements of the Strengthening Mississippi Academic Research Through Business Act. The Department of Revenue will allocate rebates to investors in the order that SMART Business certificates are issued by IHL and will issue rebates from current income tax collections.

The bill requires IHL to submit an annual report to the Governor and Legislature on the implementation of the Strengthening Mississippi Academic Research Through Business Act.

For the purposes of the bill, some of the important definitions are as follows:

- "College" means the state institutions of higher learning in Mississippi which are accredited by the Southern Association of Colleges and Schools.

- "Qualified research" means the systematic investigative process that is undertaken for the purpose of discovering information. The term "qualified research" does not include research conducted outside the State of Mississippi or research to the extent funded by any grant, contract or otherwise by another person or governmental entity.

- "Qualified research costs" means costs paid or incurred by an investor to a college or research corporation for qualified research undertaken according to a research agreement.

- "Research agreement" means a written contract, grant or cooperative agreement entered into between a person and a college or research corporation for the performance of qualified research; however, all qualified research costs generating a rebate must be spent by the college or research corporation on qualified research undertaken according to a research agreement.

- "Research corporation" means any research corporation formed under Section 37-147-15 if the corporation is wholly owned by a college and all income and profits of the corporation inure to the benefit of the college.

- "SMART Business" means Strengthening Mississippi Academic Research Through Business.

VETERANS AND MILITARY AFFAIRS

SB 2419. Effective 7/1/13. Signed 3/18/13.

SB 2419 provides that occupational licensing boards shall issue a license, certification or registration to a military-trained applicant to allow the applicant to lawfully practice his or her occupation in Mississippi if he or she satisfies certain conditions. The bill also provides that occupational licensing boards shall issue a license, certification or registration to a military spouse to allow the military spouse to lawfully practice his or her occupation in Mississippi if he or she satisfies certain conditions.

The licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure if that jurisdiction has licensure, certification or registration standards substantially equivalent to the standards for licensure, certification or registration of an occupational licensing board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification or registration is granted or until a notice to deny a license, certification or registration is issued in accordance with rules adopted by the licensing board.

Each licensing board shall implement the requirements of this act within one year from its effective date of July 1, 2013.

SB 2446. See summary under Public Property heading.

HB 102. Effective 7/1/13. Signed 3/26/13.

HB 102 authorizes the Commission on Wildlife, Fisheries and Parks to designate areas or special seasons within wildlife management areas and wildlife refuges for hunting, fishing and other recreational activities for eligible veterans and active duty service members to be known as "Wounded Warrior Special Programs." The bill allows a person to assist an eligible veteran or service member in those activities. It also authorizes the commission to adopt the necessary rules and regulations for the administration of the act.

WILDLIFE, FISHERIES AND PARKS

SB 2048. Effective 7/1/13. Signed 3/18/13.

SB 2048 amends Section 49-7-38 to provide that any person who is exempt from having a hunting license and any person licensed to hunt deer with a bow or primitive weapon may hunt with a crossbow or bow and arrow during any open season on deer, turkey or small game.

HB 2. Effective 7/1/13. Signed 3/4/13.

HB 2 amends Sections 97-37-1, 97-37-15, 97-37-19 and 45-9-101 to clarify the prohibition against the carrying of concealed weapons. Basically, Mississippi will be an open carry state when the law goes into effect on July 1, 2013. The term "concealed" is defined in the bill as "hidden or obscured from common observation and shall not include any weapon listed in subsection (1) of Section 97-37-1 [*any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, any rifle with a barrel of less than 16" or shotgun with a barrel of less than 18" in length, machine gun, any fully automatic firearm or deadly weapon, any muffler or silencer for any firearm or any imitation firearm*], including, but not limited to, a loaded or unloaded pistol carried upon the person in a sheath, belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible." *Bracketed material is paraphrased from the list in subsection (1).*

Persons with or without a concealed weapon carry permit may carry weapons that are not concealed.

The prohibition in Section 97-37-15 for a parent or guardian who permits a child under the age of 18 to possess a weapon is revised to apply more narrowly to the ownership or carrying by the child rather than the previously less stringent prohibition against carrying of a concealed weapon. The exceptions of current law are maintained; they are: attendance at a hunter's safety course or a firearms safety course, engaging in practice in the use of a firearm or target shooting at an established range, engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group, hunting or trapping pursuant to a valid license, traveling with an unloaded handgun to or from any of these activities, being on real property under the control of an adult who has given permission to the minor to possess a handgun, and last, for a minor who uses a handgun or other firearm to lawfully defend himself from imminent danger at his home.

The prohibition in Section 97-37-19 against a person carrying a weapon in a threatening manner is retained and remains subject to a fine not exceeding \$500.00 or imprisonment in the county jail for not more than 3 months, or both.

Section 45-9-101 was also amended to allow persons between the ages of 18 and 21 who are members of the military to obtain a concealed weapon carry permit. The permits of minors will bear a photograph of the applicant in profile in order to satisfy requirements of other states regarding possession of weapons by minors.

HB 102. See summary under Veterans and Military Affairs heading.

HB 524. Effective 7/1/13. Signed 3/26/13.

HB 524 amends Section 55-3-33 to allow the Department of Wildlife, Fisheries and Parks to contract with the electric public utility with a certificate of public convenience and necessity to serve the area where a state park is located for the transfer of ownership of the electrical infrastructure in the state park to that electric public utility. If the electric public utility enters into an agreement for the operation and maintenance of electrical facilities in a state park, the electric public utility may perform any upgrades to the electrical infrastructure of the park that are necessary for the electrical infrastructure to be in compliance with the electric public utility standards. The electric public utility may assess the costs of the upgrades to the department upon the terms and conditions agreed to by the department and the electric public utility.

The department may contract with the electric public utility with the certificate of public convenience and necessity to serve the area for the erection, construction, maintenance, operation and control of electric distribution substations, electric transmission lines, electrical appurtenances, electrical appliances or electrical equipment necessary or useful in the operation or distribution of electric power or energy in the state park. Any agreement entered into by the department and an electric public utility under this subsection is exempt from the public purchasing requirements.

Section 77-5-231 is amended to revise the powers and duties of certain electric power corporations to make any and all contracts necessary or convenient for the full exercise of the powers to contract with any state agency for the purchase, transfer or sale of energy and/or the acquisition of all or any part of any system.

Section 31-7-13 is amended to exempt the agreements entered into by the Department of Wildlife, Fisheries and Parks and electric public utilities from state bid law requirements.

HB 1001. Effective 7/1/13. Signed 4/22/13.

HB 1001 amends Section 49-7-5 by reducing the fee for a resident combination small game hunting and fishing license from \$13.00 to \$8.00. It deletes the provision that provided for a separate resident small game license.

Section 49-7-20 is amended to provide that it is unlawful for any person born on or after January 1, 1972, to hunt with a resident combination small game hunting and fishing license without certification of satisfactory completion of a hunter education course approved by the department.

HB 1002. Effective 7/1/13. Signed 3/27/13.

HB 1002 amends Section 49-7-9 to replace the resident freshwater fishing license with a combination small game hunting and fishing license. The fee remains at \$8.00. The change allows the department to receive federal funds for hunting as well as fishing for each license sold. Residents fishing in privately owned lakes or ponds with specific permission to do so from the owners are exempt from the licensing requirements, except when the owner charges a fee for fishing, then a license is required. July 4 is designated as "Free Fishing Day" allowing any person to fish without a license on "Free Fishing Day."

The resident freshwater commercial fishing requirements are removed from Section 49-7-9 and are recodified in Section 49-7-9.1. The Department of Wildlife, Fisheries and Parks is no longer required to provide tags for certain commercial fishing equipment. The licensee is required to tag each piece of

commercial fishing equipment with a waterproof or metal tag containing any information required by the department. This section also reduces the minimum size of the slot opening in slat baskets from 1-1/2 inches to 1-1/4 inches, and requires a \$30.00 fee for a slat basket license. Slat baskets must have a waterproof or metal tag attached to it containing any information required by the department.

Section 49-7-12 is amended to clarify and expand the powers of the Commission on Wildlife, Fisheries and Parks to regulate nonresident freshwater commercial fishing by prescribing regulations for nonresident commercial fishing equipment, tagging requirements, harvest size and possession restrictions, restricted areas, fishing restrictions, reporting requirements, wholesale dealers, and the selling, reselling and exporting of fish taken in the public freshwaters of the state.

Finally, the bill creates new Section 49-7-12.1, which requires nonresident wholesale dealers who buy nongame gross fish in the state for the purpose of resale to purchase a nonresident commercial fishing license. Additionally, any nonresident who imports nongame gross fish into the state for the purpose of resale to a wholesale or retail dealer or to a consumer is required to purchase a nonresident commercial fishing license.

HB 1005. Effective 7/1/13. Signed 4/23/13.

HB 1005 amends Section 49-7-13 to clarify trapping requirements. The bill defines the terms "raw fur," "green pelt" and "dried pelt." Persons who are exempt from having a trapping license are now required to tag or inscribe on his traps his name, address and phone number. A conibear-type or body-gripping trap with an inside jaw spread exceeding seven inches is prohibited from use on public lands, unless it is

partially submerged in water. However, the designated legal authority of any public lands and its agents are exempt from the prohibition of conibear-type or body-gripping traps for the control of nuisance animals.

The time for selling or consigning the raw fur and pelts after the end of trapping season is extended from 10 to 30 days after the close of the season. The time for selling the meat of raccoons, opossums and muskrats after the end of trapping season is also extended from 10 to 30 days. Only a licensed trapper or resident under 16 years of age may sell or consign the raw fur and pelts of fur-bearing nuisance animals. The transport of raw fur or green pelts of fur-bearing animals within the state from 11 days after the close of trapping season until the opening day of the following trapping season is prohibited, unless each raw fur or green pelt is tagged or documented with certain identifying information of the person who harvested the raw fur or green pelt and the date and place of harvest. A licensed trapper may possess and maintain in storage the raw fur, green pelts and dried pelts of fur-bearing and nuisance animals at any time. Landowners and their designated agents may place or set snare traps, conibear-type or body-gripping traps, live cage traps and foothold traps on the landowner's property within 100 feet of any road or street, but not within the maintained public road or street right-of-way. Snare traps, conibear-type or body-gripping traps must be submerged in water at least 50% and foothold traps shall be completely submerged in water.

The bill amends Section 49-7-53 to conform to the 30-day limitation on the shipping, transporting or carrying of raw furs or pelts after the close of trapping season.

Finally, Section 49-7-65 is amended to conform by deleting the provision that green pelts may only be possessed during open season and 10 days after the close of the open season on trapping.

HB 1139. Effective 7/1/14. Signed 3/25/13.

HB 1139 amends Section 49-7-31 to provide that during any open season on deer with primitive weapons after November 30, a person may use any legal weapon of choice on private lands only, if the person is:

- The title owner of the land;
- The lessee of the hunting rights on the land;
- A member of a hunting club leasing the hunting rights on the land; or
- A guest of the owner, lessee or the member.

If the person is required to have a hunting license, the person must have a primitive weapon license, Sportsman's License or a Lifetime Sportsman's License.

HB 1260. Effective 7/1/13. Signed 3/25/13.

HB 1260 amends Sections 49-7-201 and 49-7-203 to add the control or eradication of wild hogs to the beaver control program, and provide that state funds may be expended for wild hog control only by a specific line-item appropriation by the Legislature for that purpose under the program. The membership of the Beaver and Wild Hog Control Advisory Board is revised to include the Chairmen of the House and Senate Agriculture Committees.

2013 FIRST EXTRAORDINARY SESSION

FINANCE

HB 1. Effective on passage. Signed 4/28/13.

MISSISSIPPI MAJOR ECONOMIC IMPACT ACT

SECTION 1. (57-75-5) Revises the definition of the term "project" under the Mississippi Major Economic Impact Act to include any enterprise owning or operating an automotive parts manufacturing plant and its affiliates for which construction begins after June 1, 2013, and not later than June 30, 2014, with an initial capital investment of not less than \$300,000,000.00 which will create at least 500 new full-time jobs meeting criteria established by the Mississippi Major Economic Impact Authority, which criteria shall include, but not be limited to, the requirement that such jobs must be held by persons eligible for employment in the United States under applicable state and federal law, and the requirement that the average annual wages and taxable benefits of such jobs shall be at least 110% of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located as determined by the Mississippi Department of Employment Security, whichever is the lesser.

Binding commitments must be entered into requiring that:

- The minimum requirements for the project provided for in the definition shall be met; and
- That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

SECTION 2. (57-75-9) Contracts by the Mississippi Major Economic Impact Authority (MMEIA) or a public agency are exempt from the bid law and the contracts may be entered into on the basis of negotiation if:

- The MMEIA finds and records such finding on its minutes, that because of availability or the particular nature of a project, it would not be in the public interest or would less effectively achieve the purposes of the Mississippi Major Economic Impact Act to enter into contracts on the basis of the bid law; and
- The enterprise that is involved in the project concurs in the finding.

SECTION 3. (57-75-11) The project is included in the provision that states that it is the policy of the MMEIA and the MMEIA is authorized to accommodate and support any enterprise owning or operating a project that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals.

This section is amended to provide that in connection with the project the MMEIA is authorized:

- To provide grant funds to reimburse public agencies or an enterprise operating a project for site preparation, utilities, real estate purchase and improvements, infrastructure, roads, rail improvements, public works, job training and any other expenses approved by the authority in amounts not to exceed the amount of bonds authorized to be issued for the project; and
- To supervise the use of all grant funds so reimbursed.

SECTION 4. (57-75-15) Authorizes the issuance of general obligation bonds for the project in an amount not to exceed \$130,000,000.00. No bonds can be issued under this provision after July 1, 2023.

The MMEIA is authorized to provide grants for projects as authorized in Section 4 and, in connection with a facility related to the project, for any purposes deemed by the MMEIA in its sole discretion to be necessary and appropriate.

The proceeds of bonds issued under this section for the project may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to the project and to the Department of Audit in providing services to the project. The amount of reimbursement is limited to \$25,000.00 for each entity.

SECTION 5. (57-75-33) Authorizes the board of supervisors of a county or the governing authorities of a municipality to each enter into an agreement with an enterprise operating the project providing that the county or municipality will not levy any taxes, fees or assessments upon the enterprise other than taxes, fees or assessments that are generally levied upon all taxpayers. The board of supervisors or the governing authorities are authorized to enter into a fee-in-lieu of ad valorem tax agreement as provided in Section 27-31-104. The agreements may be for a period not to exceed 30 years.

SECTION 6. (57-75-37) Authorizes the county in which the project is to be located to assist in defraying the costs incurred or to be incurred by the enterprise establishing the project and any public agency in connection with the location, construction or operation of the project or any facilities or public infrastructure related to the project. The county may provide the assistance by contributing or lending any sum

approved by the board of supervisors of the county, upon terms as the board of supervisors may agree, to the entity that directly or indirectly incurs or will incur the costs. The proceeds of the contribution or loan must be used by the recipient in connection with the location, construction or operation of the project or any facilities or public infrastructure related to the project. In order to provide the funds for contributions or loans, the county may appropriate monies from the county's general funds or provide the amounts from the proceeds of general obligation bonds. The county is authorized to issue the bonds for these purposes pursuant to the procedures for the issuance of bonds under Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

The amendments to this section authorize the governing authorities of any public agency in the county in which the project is located to:

- Transfer and convey to the MMEIA or the Mississippi Development Authority, with or without consideration being paid or received, any real or personal property for use in connection with the location, construction or operation of the project or any facilities or public infrastructure related to the project;
- Transfer and convey among themselves, with or without consideration being paid or received, any real or personal property for use in connection with the location, construction or operation of the project or any facilities or public infrastructure related to the project; and
- Make and receive grants or other contributions of funds to one another for use in connection with the location, construction or operation of the project or any facilities or public infrastructure related to the project.

In the county in which the project is to be located, the person, entity or other agency seeking to acquire any real property to be used in connection with the location, construction or operation of the project, will be exempt from the requirement that the property be appraised before the initiation of negotiations and the requirement that the price paid for the property must be the lesser of the negotiated price or the fair market value of the property, if the purchase price for the property equals the lowest price negotiated between the owner of the property and the person, agency or other entity seeking to acquire the property, and at which the owner of the property is willing sell the property.

WAGE WITHHOLDING REBATE

SECTION 7. (57-99-1) Under current law, an eligible business or industry pays the withholding tax which is deposited into a special fund. The qualified business or industry is eligible for a quarterly incentive payment paid from the special fund in an amount equal to the lesser of 3.5% of the wages and taxable benefits for qualified jobs or the actual amount of Mississippi income tax withheld by the employer for the qualified jobs. The incentive payments may be made for a period of time not to exceed 25 years.

The amendments to this section include the project within the definition of the term "qualified business or industry" for purposes of the law that authorizes a rebate of withholding taxes paid if:

- It is certified by the MMEIA;
- It creates at least 25 jobs within 60 months of the beginning of the project; and
- The average annual wages and taxable benefits of the jobs created by the project are at least 110% of the most recently

published average annual wage of the state or the most recently published average annual wage of the county in which the project is located, as determined by the Mississippi Department of Employment Security, whichever is the lesser.

INCOME TAX EXEMPTION

SECTION 8. (27-7-30) A business or industry is exempted from income taxes on income arising from the project. All other income is subject to income taxation and the exemption does not apply to activities subject to Mississippi income tax prior to certification of the project. The income tax exemption cannot exceed 20 years unless the business or industry creates and maintains for a period of 3 years not less than 1,000 jobs, in which case the exemption period is extended by 5 years. In the event that the annual average number of full-time jobs maintained by the qualified business or industry falls below the qualified business or industry's job commitment for two consecutive years, the tax exemption is suspended until the first tax year during which the annual average number of full-time jobs maintained by the qualified business or industry reaches the qualified business or industry's job commitment.

FEE-IN-LIEU OF AD VALOREM TAXES

SECTION 9. (27-31-104) Current law allows the governing authorities of counties and municipalities to grant a fee-in-lieu of ad valorem taxes, including taxes levied for school district purposes for projects totaling over \$100,000,000.00. The minimum sum allowable for the fee-in-lieu is not less than 1/3 of the ad valorem tax levy, including the levy for school district purposes. The fee is apportioned between the county, municipality and school district by the board of supervisors or the governing authorities of a municipality, but the amount apportioned to school districts cannot be less than the school district's pro rata share based

upon the proportion that the millage imposed for the school district bears to the millage imposed for all other county or municipal purposes.

This bill provides that in regard to this project, the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the debt service on bonds issued by the county for the project.

SALES TAX EXEMPTIONS

SECTION 10. (27-65-101) The bill exempts from sales taxation:

- Sales or leases to a manufacturer of automotive parts operating project that has been certified by the MMEIA as the project, of machinery and equipment; or repair parts or replacements for the machinery or equipment; repair services for the machinery or equipment; fuel, supplies, electricity, coal, nitrogen and natural gas used directly in the manufacture of automotive parts or used to provide climate control for manufacturing areas.

- Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement to a building to an enterprise operating a project that has been certified by the MMEIA as the project and any other sales or leases required to establish or operate the project.

EXEMPTION OF BONDS ISSUED FOR THE PROJECT FROM THE REQUIREMENT THAT THEY BE ADVERTISED FOR SALE ON SEALED BIDS

SECTION 11. (31-19-25) Current law requires bonds issued by political subdivision to be advertised for sale on sealed bids or at public auction. This bill exempts bonds issued for the project from these requirements.

CONFORMITY AMENDMENT

SECTION 12. (43-37-3) This section is amended to conform to the provisions of Section 57-75-37 as amended by Section 6 of the bill.

MUNICIPAL ANNEXATION

SECTION 13. (21-9-59) This section is amended to authorize the governing authorities of a municipality to enter into an agreement with an enterprise operating the project providing that the municipality shall not change its boundaries so as to include within the limits of the municipality the project site of the project unless consent is obtained in writing from the enterprise operating the project. The agreement may be for a period not to exceed 30 years and is binding on future governing authorities of such municipality.

SECTION 14. (27-31-1) This section is amended to provide that if a municipality changes its boundaries so as to include within the boundaries of the municipality the project site of the project, all real and personal property located on the project site within the boundaries of the municipality that is owned by a business enterprise operating such project, is exempt from ad valorem taxation for a period of time not to exceed 30 years upon receiving approval for the exemption by the MMEIA.